



# Mino Kakendaasowin: Fulfilling Sakatcheway's Vision

Phase 1



Grand Council Treaty #3 is the historic government of the Anishinaabe Nation in Treaty #3 and is the political organization for the 28 First Nations in the treaty area. There has been significant movement over the years back towards Anishinaabe Nationhood by the member communities. This is despite the efforts of the settler government to assimilate our communities and especially, our children through the Indian Residential School System, including the current education systems both on-reserve and off-reserve. The treaty area includes 26 First Nations in Northwestern Ontario and 2 First Nations in Manitoba.



## **GRAND COUNCIL TREATY#3**

### *Office of the Ogichidaakwe*

This report is dedicated those Treaty #3 members who continue to demand a better education system for the Treaty #3 learners.

The Grand Council Treaty #3 office is committed to improving the quality of education through its advocacy for change to the current system. This includes a push for the government of Canada to recognize the inherent and Treaty right of the Anishinaabe of Treaty #3 Nation to determine their own education system. This initiative involves engaging the community members, leaders, educators, Elders, and learners to determine how to make change in a meaningful way; a way that has practical and real impact on the current education system. Our goal is to work together to determine how to take ownership of the education system that meets the needs of the Anishinaabe and provides the Treaty #3 members with the tools to succeed and compete in today's society.

The report reviewed the current education system in Treaty #3 territory, both on and off-reserve, and looked at how the current policies, practices and procedures have impacted and continues to impact the Treaty #3 education system. The project included community visits, education forums and surveys so that the people, educators, youth and the leadership could voice their observations, experiences and recommendations for change.

Finally, this report was presented to the Treaty #3 Chiefs in Assembly on October 21-23, 2009 at Asubpeeschoseewagong Netum Anishinabek where it was endorsed; thereby, granting the mandate for the Grand Council office to proceed with the report's recommendations.

Miigwetch

Ogichidaakwe

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## **EXECUTIVE SUMMARY**

### **Introduction**

This educational needs assessment was undertaken by the Grand Council of the Treaty #3 as a result of a resolution that was passed at the Chiefs Assembly on October 8, 2008. The resolution called for an education system that would improve student outcomes and enhance the community education system while ensuring that the current and future generations of community children would be equipped to meet the challenges of tomorrow.

The Grand Chief's office responded to the Resolution by securing the necessary resources to conduct an education needs assessment that would provide a snapshot of the quality of education that is provided to both on-reserve and off-reserve Treaty #3 students at the elementary and secondary levels in both First Nation and provincial schools. Some attention was provided to post secondary education; however, the time was limited. This snapshot provides a beginning place to identify the current educational needs of the students and to strategize priority issues that need to be addressed to improve the quality of education for all Treaty #3 students.

### **Overview of Educational Needs Assessment**

The purpose of the educational needs assessment was to engage community members, leaders, educators, youth, Elders and learners in a review of the current education systems both on-reserve and off-reserve. The goal was to determine what has been working and what is not working, while attempting to understand how the current policies, practices, and procedures impact the educational experiences and outcomes of Treaty #3 learners.

The needs assessment data collection involved travelling to each community to conduct interviews with key stakeholders, administer surveys, and hold two education forums with educators, practitioners, administrators and leaders. These data collection activities took place from July 2009 to early October 2009, just prior to the writing of the report. Time limitations restricted a full review of education as a lifelong process; consequently early childhood, post secondary, community-based and adult education programming and school infrastructures were areas that were not reviewed in any depth. These aspects of education will require further investigation.

The report on the findings of the education needs assessment was presented to the Grand Council Treaty #3 Chiefs in Assembly on October 21-23, 2009 at the for endorsement to proceed with developing and implementing strategies to address the report's recommendations.

### **Key Findings**

The findings from the needs assessment are grounded in the context of the Treaty #3 First Nations worldview, history, culture, traditions, lifestyles, and original teachings and way of life that were given to the Anishinaabe people from the Creator. It is through these original teachings and practices that the Treaty #3 First Nations have continued to envision what education should look like for their children in a contemporary context.

This journey to the present has taken the Treaty #3 First Nations through processes of sovereign treaty negotiations, to colonization, through to attempts at assimilation, and now, renewal on several levels. These experiences have resulted in a sometimes ambiguous jurisdictional relationship with the federal government that has continued to develop administrative policies to manage the renewed relationship with First Nations and the provinces. The Treaty #3 First Nations review of education in 2009 is only one aspect of Treaty #3 Anishinaabe way of life. It remains a key to building a sustainable future for Treaty #3 children and strengthening the Treaty #3 Nation.

Key findings from the needs assessment indicate that:

- Less than 50% (13) of the 26 communities have their own elementary schools;
- Only 19% (5) of the 26 communities have their own high schools;
- Some elementary and most high school students have to commute 1-3 hours daily to receive an education, which raises concern about the safety and wellbeing of the children;
- Access to special education both on-reserve and off-reserve is limited, as well as access to funding for a reported 47% of Treaty #3 students identified as having special education needs related to Fetal Alcohol Syndrome/Fetal Alcohol Effects (FAS/FAE) and/or other behavior problems;

- The curriculum that is being taught to students both on-reserve and off-reserve in provincial schools is limited to mainstream content with little to no First Nation specific content on First Nation worldview;
- Teachers in the Treaty #3 First Nations schools are not provided with the professional development required to become familiar with the provincial curriculum they are required to teach or recent best practices;
- Alarming, the mother tongue of all children born to the Treaty #3 First Nations is English, with Ojibway being taught in schools as a second language;
- The 10 libraries in the Treaty #3 First Nations schools are well-stocked, but are challenged by outdated books and a lack of trained librarian personnel; 3 schools do not have a library.
- Nine of the thirteen Treaty #3 First Nations schools have computer rooms and up-to-date computers, and Smart Boards; however, some teachers do not know how to utilize the technology in their teaching; and schools do not have the professional development funding to provide the training;
- On-reserve school structures all have some degree of need for infrastructure maintenance, remediation, and/or replacement;
- Approximately 85% (22) of the 26 communities have tuition agreements for their elementary and secondary students;
- Treaty #3 students from 22 communities attend provincial schools for their education;
- Treaty #3 high school students from 5 communities live in boarding homes in mainstream communities to access education from nearby provincial schools;
- Students report that they continue to encounter racism in provincial schools from some of their peers, teachers and administrators;
- Parents and grandparents report they continue to encounter what can be construed as discrimination or racism when their requests to register their child(ren) in provincial schools is not acknowledged or followed-up by provincial school administrators, resulting in a decision to find another school;
- Overall, the majority of the Treaty #3 high school students are still not graduating from provincial schools, despite being in a 5-year high school program where additional tuition dollars are provided to the provincial school to support their education;

- Second and third level education support services are not provided to on-reserve Treaty #3 First Nation schools;
- Provincial schools are not being held accountable for Treaty #3 student outcomes related to low graduation rates, retention, overall education achievement;
- Enhanced early education such as Head Start Programs are limited to 2 of the 26 the Treaty #3 communities; and
- Less than 50% of the Treaty #3 communities have day care centers.

In addition, the educational needs assessment has found some glaring inconsistencies in the quality of education that is being provided to the Treaty #3 learners in both on-reserve First Nations schools and off-reserve provincial schools. These inconsistencies include:

- (1) First Nations on-reserve schools receive significant underfunding from Indian and Northern Affairs Canada (INAC), which is often less than half of what INAC provides to provincial schools for the education of a Treaty #3 First Nation student. Despite the inconsistency in funding, the same educational outcomes are expected. This leaves on-reserve Treaty #3 students at a severe disadvantage.
- (2) Tuition payments for Treaty #3 First Nations students attending provincial schools continue to be made to provincial District School Boards which account for 7-10% of the Ontario District School Board budgets that the Treaty #3 students attend. The financial statements from the provincial schools districts for the 2008-2009 school year shows an average of \$12,000 for an elementary student and \$13,000 for a secondary student attending their schools. It would be expected that the achievement outcomes and retention rates of the Treaty #3 students would be higher.
- (3) Teachers and education administrators in the Treaty #3 on-reserve schools are being paid at significantly lower salary rates than provincial schools, which in some cases is approximately 25.5% less for the same equivalence of education and experience of teachers in provincial schools. This finding identifies a factor that influences quality of education and teacher recruitment and retention.

- (4) Special education is underfunded in the on-reserve schools with inconsistencies in the costs of assessments and assessment requirements for approval by INAC. In addition, the current High Cost Special Education Program formula is not working as well as it was originally anticipated for larger Treaty #3 First Nation schools. As a result, students with moderate to profound special education needs have to be sent to provincial schools for one-to-one support. Feedback indicated that even though INAC provides funding to the provincial school(s) this support is not always provided to the student with such needs. The Ontario First Nation Special Education Working Group (OFNSEWG) is currently completing a mandated report to audit the High Cost Special Education Program.

The needs assessment also found that the Treaty #3 First Nation schools are challenged by their ability to address issues related to:

- (a) Developing and implementing relevant culturally appropriate curriculum for the students;
- (b) Offering professional development to teachers in the area of technological teaching practices and methods, and library services;
- (c) Recruiting and retaining a highly qualified competent staff that includes teachers with computer competencies, special education teachers, teacher-aides, and Ojibway language instructors;
- (d) Addressing student retention issues related to social factors that impact student achievement, such as family instability, students who are engaging in at-risk behaviors, apparent lack of parental support, poor student-teacher relationships, encountering racism in provincial schools and having to travel long distances to attend school provincial schools.

**Recommendations**

The findings from the needs assessment have resulted in some immediate and longer term recommendations for action. The immediate recommendations include:

- (a) An endorsement from Grand Council Treaty #3 in Assembly for the report;
- (b) A resolution supporting the Grand Council of the Treaty #3 Office to begin taking the necessary measures to implement the recommendations;

The longer term recommendations address concerns and issues related to the inconsistencies that have been found between funding for First Nations' students in on-reserve schools and provincial schools, and other challenges faced by the First Nations' on-reserve schools which impact the quality of education and education outcomes for Treaty #3 students. Such inconsistencies can only be addressed through a tripartite agreement between the Treaty #3 First Nations, the Crown's representative, and the Province of Ontario.

A total of 21 recommendations have been made, all of which address key elements of an education system that is to be designed to meet the unique cultural educational needs of Treaty #3 students both on-reserve and off-reserve in provincial schools. These recommendations also take into consideration the recommendations from the Treaty #3 Education Conferences held in September 2009 and October 2009, which are discussed in Section 5 of the report. Options include consideration for ensuring the Minister of Indian Affairs makes provision for a school on each reserve; and/or supports the Treaty #3 First Nations to establish an Urban Anishinaabe K-12 School in a central urban location. Current funding allocations for First Nation student education off-reserve could support such a concept.

**Priority Implementation Recommendations:**

It is recommended that Grand Council Treaty #3 identify an Education Task Committee comprised of representatives from the Grand Council Treaty #3 Office to act on the recommendations in this report beginning with the following immediate priorities:

1. Develop a proposal within one month of the report being tabled at the Grand Council Treaty #3 in Assembly, that would:
  - (a) identify specific second and third level education support services that would support the implementation of the recommendations at the First Nation community schools level;
  - (b) identify the initial level of resourcing that will be needed to support the implementation of the first phase of the second and third level education support services;
  
2. Call for an initial tripartite meeting with the appropriate Treaty #3 First Nations, federal and provincial government authorities within one month of the report being tabled at Grand Council Treaty #3 in Assembly, to discuss the findings of the Needs Assessment and the Treaty #3 First Nations desire to work together to address all the recommendations. If a tripartite meeting cannot be arranged within this timeframe; it is recommended that the Treaty #3 First Nations representatives meet with each authority to set a tripartite meeting.

**Conclusions**

The needs assessment has assisted in providing a glimpse into the quality of education that the Treaty #3 First Nations students are receiving, both on-reserve and off-reserve. A long-term commitment will be necessary to address the complexities of the educational needs of Treaty #3 students. This commitment needs to continue beyond this report and needs to be made by all the key stakeholders: leaders, educators, practitioners, Elders, and learners. It needs to begin with the Treaty #3 nation today, and needs to move toward discussions with the Minister of Indian Affairs and the Province of Ontario.

Currently, there are some administrative programs that would support these initiatives; however, initial discussions need to happen at a higher level to ensure commitment to providing an equitable, quality and culturally relevant education to the Treaty #3 First Nations' students.

## 1. INTRODUCTION

At a Chiefs meeting on Education which was held in June 2008 in Couchiching First Nation, the Treaty # 3 Chiefs discussed concerns around the lack of funding and inability to meet the educational needs of the students in their communities and emphasized the issues regarding Special Education. As a result of the concerns expressed in June 2008, the Chiefs passed a resolution at the Chiefs Assembly on October 9, 2008, calling for an education system that would improve student outcomes and enhance the community education system while ensuring that the current and future generations of community children are best equipped to meet the challenges of tomorrow.

The leadership of Grand Council Treaty #3 has acknowledged that the children and youth of their respective communities have incredible potential and talent, yet are often unable to achieve their potential due to systemic and perhaps geographic barriers. This is unacceptable in 2009. Therefore, the overall objective of this project is to undertake a thorough educational needs assessment of the specific educational deficiencies and best practices of the students, communities and educational structures, systems and supports within the Treaty #3 territory. The results of the needs assessment will guide the ways and means of correcting the shortfalls to promote First Nation student success and achievements. The Treaty #3 has 28 First Nation communities and 26 are located within the province of Ontario. This study focuses on the 26 First Nations in Ontario.

In Treaty #3, one community has a K-6 elementary school; eleven communities offer K-8; and 14 communities do not have an elementary school. Twenty-one communities do not have a high school, which leaves 5 communities with their own high school. There are 10 communities with daycare centers and two communities offer a Headstart Program. There is one unaccredited post-secondary institution in Treaty #3. All of the Treaty #3 First Nations elementary and high schools are mandated to follow Ontario's provincial curriculum. The Ministry of Education makes regular on-site visits to the schools to ensure compliance to the provincial curriculum. The Ministry has the power to remove high school accreditation and INAC can withdraw education

funding if the Treaty #3 First Nation elementary and high schools do not conform to the provincial curriculum standards.

The Treaty #3 First Nations with elementary and high schools offer Ojibway language as a subject with an approximate instruction time of 30 minutes daily. A few schools have feasts, pick sweetgrass and or sage, have powwows, and one school has a sewing class for making traditional regalia.

Based on the needs assessment interviews, surveys and conference results, the primary objective or vision for the Treaty #3 communities for having their own schools was to have an educational system that was based on the language and cultural teachings. The goal was to instill a strong First Nation identity for the students and to generate fluent Anishinaabe speakers; thereby, ensuring continuity for the language and culture. In addition, there was a desire for a sound academic program that would enable Anishinaabe students to succeed in post-secondary education and or to compete for employment opportunities in mainstream society. However, the province ensures compliance to its curriculum which decreases the focus on Anishinaabe language acquisition and cultural teachings. The Treaty #3 elementary and high schools are English immersion schools and their primary focus is the delivery of a provincial curriculum that has overt and subversive content which promotes mainstream culture and values. The federal government mandates that First Nation schools follow the provincial curriculum in order to receive funding, and the province ensures the federal government's mandate is followed by the schools. If the Treaty #3 First Nation schools do not abide by the federal and provincial regulations, their funding and high school accreditation program are at stake.

There is one post-secondary institute in Treaty #3 and it is accredited only through its partnerships with mainstream colleges or universities. The mainstream colleges and or universities receive funding for offering Native programs; however, the First Nation post-secondary institutes deliver the programs. The First Nation post-secondary institutes receive their funding through the proposal-based Aboriginal Education Training Strategy (AETS). The First Nation post-secondary institutes in Ontario compete with each other by submitting proposals to fund their programs.

This process places the First Nation post-secondary institutes in a dire predicament. The Early Childhood Education (ECE) program is a two-year program. The institute's proposal may be funded for the first year (through its proposal); however, it will have to submit another proposal the following year to fund the second year of the program. The obligation to the students who enroll in the program is the delivery of a complete program and First Nation institutes have to contend with uncertainty because of the lack of adequate funding. AETS funding provides only a portion of the cost of delivering a program, if the proposal is successful.

Potential students apply to and pay their tuition to the partnering mainstream institution and indicate on their application which First Nation institute they will be attending. After the nominal roll date, First Nation institutes apply to the mainstream college or university for the tuition dollars. These tuition dollars are used to offset the cost for program delivery which is the remainder that was not funded by AETS. A minimum enrolment is required to deliver a program and if one student leaves, tuition dollars are lost and a deficit may occur.

First Nation post-secondary institutes that have partnerships with mainstream colleges are able to recruit and hire their teaching staff. The institutes that have partnerships with mainstream universities do not have a voice in the recruitment and hiring of teaching staff due to collective bargaining regulations. Therefore, the university instructors may or may not be culturally sensitive. Indigenous based curricula that is developed by the First Nation institutes and approved by the mainstream college or university becomes the property of that college or university. Similar to the Treaty #3 elementary and secondary schools, the post-secondary institute's funding, accreditation, and curriculum are regulated by the province.

## 2. BACKGROUND

Education is a treaty right under Treaty No. 3 signed October 3, 1873. The Lac Seul Chief at the treaty negotiations in 1873, as recorded by Lieutenant-governor and Treaty Commissioner Alexander Morris, said

If you give what I ask, the time may come when I will ask you to lend me one of your daughters and one of your sons to live with us; and in return I will lend you one of my daughters and one of my sons for you to teach what is good, and after they have learned, to teach us. (The Honourable Alexander Morris, P.C. *The Treaties of Canada with the Indians*, 1880, p. 63).

The speech of the Lac Seul Chief at the treaty negotiations in 1873 best describes the Anishinaabe concept of education. The traditional education system of the Anishinaabe is a lifelong process where the grandparents had the responsibility to pass on their teachings to the children while the parents were hunting, fishing, harvesting, or taking care of the homes and community. The customs, laws, and ways were passed on orally through the generations. The Anishinaabe had no need to write their teachings.

In the words of respected Elder Alex Skead who said, “It’s just like reaching a book when I am talking to you” highlights that the Anishinaabe rely on words to teach and that the teachings are contained within the stories, songs, ceremonies, and language. Elder Skead commented *In the Words of Elders*, “I always encourage young people to get a good education, but do not lose your culture, that is what makes you strong.” His words capture the theme of this needs assessment report. This being, in order for the Anishinaabe to survive; the culture and language must be incorporated within an education system that meets the needs of the Anishinaabe to live and prosper in a society that has a very different view of how an education system should work.

The Treaty #3 people have known for decades that the education system is failing the Treaty #3 people and are committed to finding solutions to clear the right path for the young people to

carry forth the traditions, culture, and language of the Anishinaabe and help re-build strong and healthy communities.

## **2.1 PROCESS**

The Treaty #3 education initiative is the first step of an action plan to resume jurisdiction for the education system for the Anishinaabe of Treaty #3. Through this research analysis, the evidence clearly identified the needs and barriers to First Nation educational success specific to the Treaty #3 Nation. The identification of barriers and supporting recommendations will set the groundwork for an action plan or strategy to improve the educational success of Treaty #3 learners. Further, it is envisioned that the findings of this project will form the basis of negotiations for a Treaty #3 tripartite partnership on education with Canada and Ontario.

This research report outlines the current educational system in the Treaty #3 territory and provides a clear picture of how the current system is impacting the communities and students. It also conducts a review of some best practices happening outside of the Treaty #3 territory to show how similar gaps and challenges faced by the Treaty #3 members are being addressed by our brothers and sisters in other territories.

This analysis of the First Nations and public school systems in the Treaty #3 territory will review the educational services, infrastructure, student and community profiles, and ongoing challenges that students and teachers encounter in the education system.

This research reviews the federal and provincial education legislation, policies and programs that impact the Treaty #3 students and schools. This information is presented in detail in Appendix B.

## **2.2 LEGISLATION**

Section 91(24) of the *British North America Act 1867* (repatriated as the *Constitution Act, 1982*) holds that the federal government is responsible for First Nation people and lands, and the *Indian Act* (R.S.C. 1985, c1-5) sets out its provisions controlling the education for the Indians. Section

114(2) of the *Indian Act* provides “the Minister may in accordance with this *Act*, establish, operate and maintain schools for Indian children”. Section 92 of the *Constitution Act* delegates the authority for education to the provinces and as such the First Nation students who attend schools off-reserve then fall under the provincial jurisdiction. The *Indian Act* provides that First Nations may enter into tuition agreements with the appropriate school board when their children reside on-reserve but have to attend school off-reserve because the First Nation either lacks a school or the appropriate grade level. Sometimes there are other reasons why parents send their child(ren) to another school.

Education is a provincial government responsibility in Canada. In Ontario, education is governed principally by the *Ontario Education Act (R.S.O. 1990, Chapter E.2)* and its regulations. The *Ontario Education Act* and its regulations set out duties and responsibilities of the Minister of Education and the duties and responsibilities of school boards, school board supervisory officers, principals, teachers, parents and students. The calculation for the tuition agreements for the per-pupil cost for First Nation students residing on-reserve who attend the public schools is outlined in the *Education Act* regulations.

## **2.3 POLICY**

The federal government through the *Indian Act*, 1876, assumed complete control of the education for the Indians residing on-reserve in 1876.

In 1876, the federal government consolidated previous legislation relating to the “protection” of the Indian people under the *Indian Act* to effect for the federal government full control over the Indians in Canada. The lives of the Indians would ultimately be controlled from birth to death. The *Indian Act* defines who is an Indian, regulates band membership, defines the governance structure of the Indians, taxations, wills and estates, lands and resources, and education. Specifically to education, the federal government assumed full control over the education of the Indians who reside on reserves.

In 1911, the *Indian Act* made it mandatory for Indian children between the ages of 7 and 15 to attend schools, where the governments hoped to assimilate the children into mainstream society. Sections 144 to 122 of the *Indian Act* defined how the federal government set out education for the Indians, despite what was promised in the treaties and other agreements made with the First Nations people in Canada. The Department of Indian Affairs administered the elementary and secondary schools for the on-reserve Indian students, including determining the amount of resources that would be provided for the schools, determining where the schools would be established, equipment requirements, setting standards for the buildings and curriculum, determining attendance and transportation. While much advancement has been made for the First Nations to assume much of the administrative responsibility for the schooling of their students, resourcing amounts and decision-making for the schools remains under the control of the Department of Indian Affairs. Further information on the Indian Act and the education of First Nations is provided in detail in Appendix B.

### **3. METHODOLOGY**

This section describes the research method that was used to gather the data in the Treaty #3 territory.

#### **3.1 Study Design**

A mixed methods research design was used for the needs assessment. It is a method for gathering, analyzing and combining both qualitative and quantitative data in a single study to understand a specific issue. The primary objective for researchers who design and conduct mixed research is to follow the fundamental rule of mixed research. This rule states that mixed methods should combine quantitative and qualitative research techniques, processes and characteristics in a manner that the resulting mixture or combination has complementary strengths and overlapping weaknesses. When different methods are applied to focus on the same research question and hypothesis and they present the same outcome, the investigation has corroboration, which means there is superior evidence for the results.

#### **3.2 Instrumentation**

In this particular study a mixed methods approach was used. The quantitative segment consisted of three separate data collection instruments that were specifically designed for this study; 1) a survey questionnaire for First Nation communities with schools; 2) a survey questionnaire for First Nation communities without schools, and; 3) a survey questionnaire for the provincial District School Boards in the Treaty #3 area. The survey questionnaires were designed using the Statpac software program.

The qualitative segment consisted of three parts. First, unstructured, informal interviews during the community visits were conducted. The second part consisted of focus group discussions and breakout sessions during two educational conferences. Third, the study included a youth forum to ensure the voices of the youth would be counted. Comprehensive notes were taken during the breakout sessions, focus group discussions and the youth forum.

Research methods using a focus group design result in immediate feedback. This method of inquiry follows a structured process and often leads towards theory development.

### **3.3 Research Questions**

Research questions frame studies by giving focus to the data collection. The questions that are formulated are closely linked to the type of study that is being conducted. Research questions must be clear and specific as they guide the research by giving focus to the data collection. The data that is collected should provide the answers to the research questions. Qualitative research questions are open-ended and enable the participants to provide elaborate responses.

### **3.4 Sample Population**

There are 28 First Nation communities in Treaty #3. Two of these communities are located in the province of Manitoba and were excluded from the study. Due to their geographical location, these two First Nation communities are mandated to follow Manitoba's provincial curriculum. For this study to be more generalizable, the 26 participant communities of the Treaty #3 need to have congruent characteristics such as the curriculum they are mandated to follow which is the Ontario provincial curriculum.

### **3.5 Participants**

In a phenomenology process, the researcher has one legitimate source of data and that is a participant's experiences and perspectives. A participant is selected only if he or she has lived the experience under study; therefore, the sample selection of participants was purposive and the primary instruments for the data collection have been identified.

The participant communities were a purposive sampling of 26 First Nations in the Treaty #3 territory and they are located within the province of Ontario. Contact was initiated by telephone to the Education Directors, administrators and or educational offices. The appropriate survey

questionnaire was faxed to the contact person. The completed surveys were either faxed to the Treaty #3 office or collected during a community visit by the primary researcher.

Eighteen surveys were returned, twenty-five communities were visited, thirty-five interviews, were conducted, fifty-one participants in the first conference and fifty participants in the second conference. Every conference participant contributed during the breakout sessions, focus group discussions and youth forum. The participants included the Grand Chief, Chiefs, education directors, counselors, elders, principals, teachers, youth, community members and representatives from two provincial District School Boards.

### **3.6 Methodology Summary**

The survey questionnaires, interviews, breakout sessions, focus group discussions and the youth forum are comparable to conducting four small studies within one overall research study. The resulting mixture or combination has complementary strengths and overlapping weaknesses. When different methods are applied to focus on the same research questions and they present the same outcomes, the investigation has corroboration, which means there is superior evidence for the results.

#### **4. KEY FINDINGS: DATA PRESENTATION AND ANALYSIS**

This section of the report provides information on the data that was collected and the analysis. The primary purpose of the analysis is to discover any underlying themes that will illuminate the gaps and successes in the education system within the Treaty #3 territory. The organization and interpretation of the data was done on an on-going basis as soon as it was collected. After the focus group discussions, breakout sessions and interviews, the notes were transcribed. The transcripts were read and re-read for any emerging themes and patterns from each of the data gathering procedures.

Although there were smaller themes that emerged, some main themes kept re-surfacing on a consistent basis. These themes provide the foundation for the recommendations that advocate positive change for the Treaty #3 education system. For the purposes of this report, these themes will be elaborated upon and sections will be selected from the data that support them.

##### **4.1 The Treaty #3 Education Overview**

The statistical data in Table 1 the Treaty #3 Education Overview on the next page indicates:

- Only 2 in 26 communities have a Head Start program;
- Less than 50% have day care centers;
- Less than 50% have their own elementary schools;
- Some elementary school students have to commute 1 hour – 3 hours daily;
- Only 5 in 28 communities have their own high school;
- Most high school students have to commute 1 hour – 3 hours daily;
- Approximately 85% have tuition agreements for elementary and secondary students;
- Over 600 of Treaty #3 students attend provincial schools;
- Over 300 of Treaty #3 high school students attend provincial high schools;
- Majority of the Treaty #3 high school students are still not graduating from provincial high schools;

- Most the Treaty #3 high school students are in a 5-year high school program in provincial schools which increases the chances of dropping out and also increases the tuition agreement costs for First Nation;
- Provincial schools are not being held accountable for the low graduation rates;
- Provincial schools are not being held accountable for 5-year high school programs which increases the tuition costs; and
- Second and Third level services are not provided to the Treaty #3 schools.

**Table 1: Treaty #3 Education Overview**

Community	DC	E	S	HSP	# SS	Tuition A	SPSB	STR km
Wauzhushk Onigum	X				100	X	KP/KC	
Wabaseemoong	X	X	X		314			
Naotkagwaning	X	X	X	X	369		KP/KC	87
Ojibways of Onigaming	X	X	X		126	X	RR	
Nigigoonsiminikaaning	X				59	X	RR/NWC/MC	40
Asubpeeschoseewagong Netum Anishinabek	X	X	X		191			
Shoal Lake #40	X	X			57	X	KP/KC	83
Iskatewizaagegan #39	X	X			122	X	KP/KC/WP	83
Couchiching First Nation	X				203	X	RR/NWC	0
Naicatchewenin					81	X	RR/NWC	56
Eagle Lake	X	X		X	59	X	KP/NWC	48
Lac Des Mille Lacs						X		
Saugeen		X						
Wabauskang					23	X	KP	90
Wabigoon		X			40	X	RR	38
Big Grassy		X			93	X	RR/NWC	160
Naongashiing					30	X	RR/NWC	160
Rainy River First Nations/Manitou					71	X	RR/NWC	48
Seine River					97	X	MC/RR	80
Mikanjikaning					33.5	X	RR/NWC	70
Lac La Croix		X			65			
Obashkaandagaang First Nation					38	X	KP/KC	24
Ochiichagwebabigoing Ojibway Nation					54	X	KP/KC	27
Lac Seul Frenchman's H					235	X	KP/PR	
Lac Seul Kejick Bay		X				X	KP/PR	
Lac Seul Whitefish Bay		X				X	KP/PR	
Northwest Angle #37		X			28	X	KP/KC/ WFB/WP	87
NWA#37 Windigo Island		X						
Northwest Angle #33					44	X	W/KP/KC/WFB/WP	87

DC – Day Care HSP - Head Start Program E – Elementary K – 6/ 8 (on reserve) # SS – Total students on/off reserve (07/08) K-12 SPSB – Students at Provincial School Board WP – Winnipeg PR – Pelican Rapids High School MC – Mine Center School	KP– Keewatin Patricia District School Board KC – Kenora Catholic District School Board RRDSB – Rainy River District School Board NWC – North West Catholic - W – Warroad SS - Secondary School (on reserve) TA - Tuition Agreement ST – Student Transportation Required WFB – Naotkamegwaning
Source: the Treaty #3 First Nation Community Surveys & Interviews, 2009	

These findings indicate that the Treaty #3 First Nations students both on and off reserve are struggling to acquire a quality education that is equivalent to provincial standards; however, the

multiple barriers that they are experiencing related to accessing education, time spent on travelling to and from school, and the cost of education from foreign education systems is taking its toll on positive student academic outcomes and most likely the energy of the students.

**RECOMMENDATION:**

- 4.1.1** It is recommended that the Grand Council Treaty #3 immediately call for a meeting with the Minister of Indian Affairs and the Provincial Minister of Education to discuss the findings from the needs assessment report and the strategies that Grand Council Treaty #3 would like to pursue so that all three parties are aligned to support positive outcomes for the Treaty #3 students in all jurisdictions.

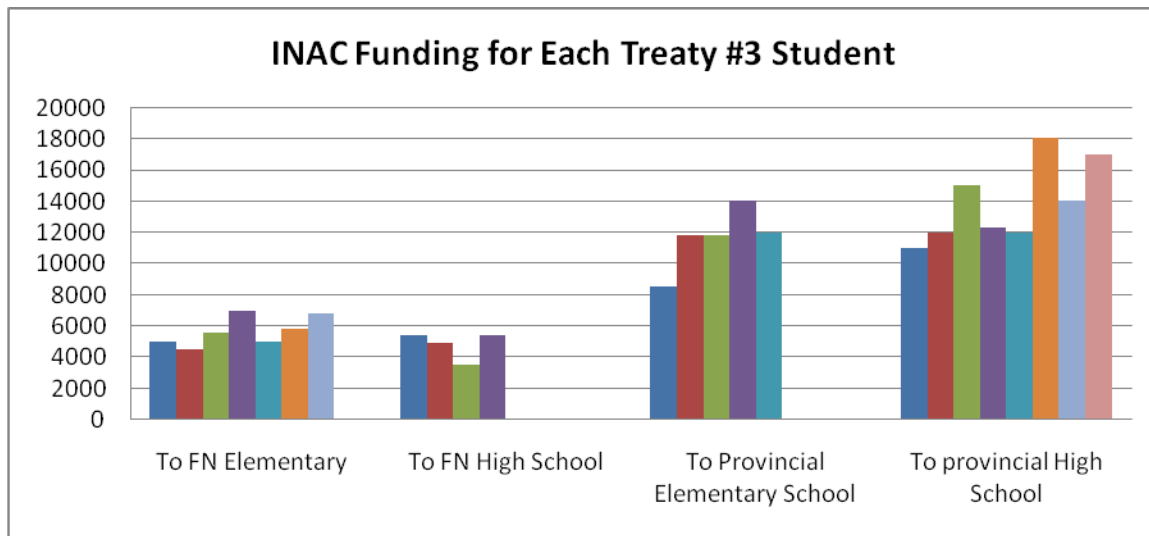
**4.2 Funding**

The needs assessment examined funding levels for on-reserve schools, funding for the Treaty #3 students to attend provincial schools through tuition agreements, and considered any provincial enhancement funding that is provided to provincial schools for Treaty #3 students.

**(a) Nominal Roll**

A major issue in every the Treaty #3 First Nation with a school is the significant underfunding by the federal government. The nominal roll amount for each student is less than half of what INAC provides to a provincial District School Board for the education of Treaty #3 First Nation students.

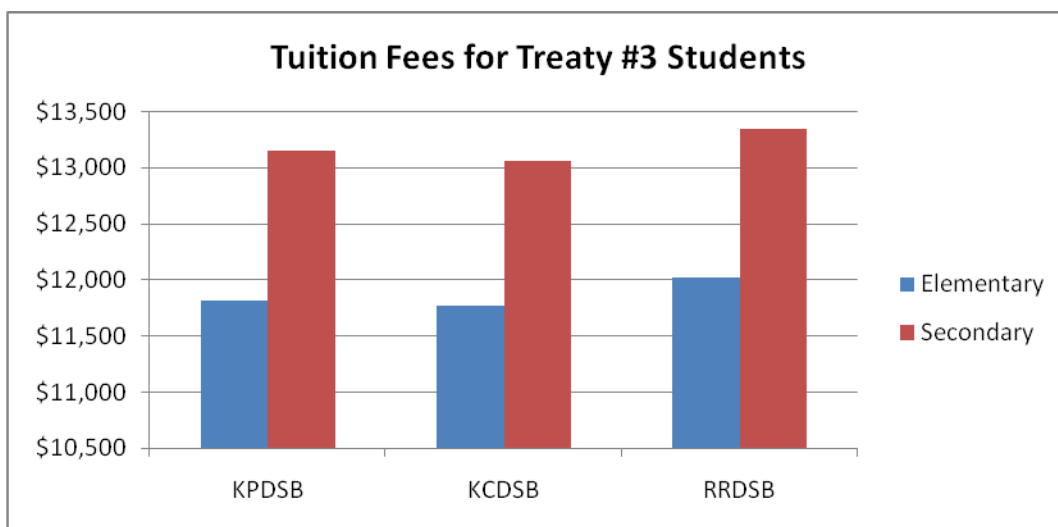
**Chart 1: INAC Funding for Treaty #3 Students**



Source: Treaty #3 Needs Assessment Surveys and Interviews

The graph above shows the current amount of INAC funding for elementary and secondary students in Treaty #3 First Nation schools. The graph also shows the amount of funding INAC pays for tuition fees to the provincial District School Boards that serve Treaty #3 students: Rainy River District School Board, Kenora Catholic District School Board and Keewatin Patricia District School Board. The source for these amounts is shown below the graph.

**Chart 2: Tuition Fees Charged to Treaty #3 First Nations**



Source: KPDSB, KCDSB, RRDSB 2008-2009 Financial Departments

Chart 2 shows the tuition amounts that were charged to Treaty #3 First Nations in 2008-2009 by the three provincial District School Boards. The tuition amounts provided by the provincial District School Board financial departments are not consistent with the tuition amounts shown in Chart 1, which were provided by the Treaty #3 principals and or Education Directors. The discrepancy may be attributable to many factors and due to time constraint, a comprehensive investigation was beyond the scope of this report.

The data; however, shows that the tuition amounts paid to the provincial District School Boards by INAC and the tuition amounts provided to Treaty #3 First Nation schools by INAC are considerably lower for Treaty #3 schools. Treaty #3 First Nation schools are expected to produce the same educational outcomes as the Provincial District School Boards that receive significantly higher funding from INAC. One education director stated, “*All we want is an equal playing field*”.

#### **(b) Rainy River District School Board**

The current statistics for Rainy River District School Board are from the 2008-2009 school year. The total tuition fees charged to Treaty #3 First Nations was \$4,959,941. The total enrolment from Treaty #3 tuition paying communities was 394 students. The tuition amount for each elementary student was \$12,022.00 and \$13,344.00 for each secondary student.

The Treaty #3 communities that have students attending schools in Rainy River District School Board include Big Grassy, Naongashiing, Naicatchewenin, Mikanjikaning, Couchiching First Nation, Nigigoonsiminikaaning, Lac Seul, Seine River, Onegaming and Rainy River First Nations.

Rainy River District School Board received \$365,270 in 2007-2008 for the First Nation, Inuit, and Métis Supplement Allocation grant. The grant amount for 2008-2009 was \$492,301.

Within the past 2 years the amount of the First Nation, Metis and Inuit Education Supplement Allocation grant by the Ontario Ministry of Education to Rainy River District School Board was \$857,571.

**(c) Keewatin Patricia District School Board**

The current statistics for Keewatin Patricia District School Board are from the 2008-2009 school year. The total tuition fees charged to the Treaty #3 First Nations was \$4,108,901. The total enrolment from Treaty #3 tuition paying communities was 331 students. The tuition amount for each elementary student was \$11,808.00 and \$13,141.00 for each secondary student.

The Keewatin Patricia District School Board has students from Obashkaandagaang First Nation, Iskatewizaagegan #39, Shoal Lake #40, Wauzhushk Onigum, Ochiichagwe'babigo'ining, Wabauskang, Migisi Sahgaigan, Wabigoon, Lac Seul, Northwest Angle #33, and Northwest Angle #37.

The Keewatin Patricia District School Board received \$1,841,633 in 2008-2009 for the First Nation, Métis and Inuit Supplement Allocation grant from the Ministry of Education. In 2007-2008 the grant was \$1,603,911.

Within the past 2 years the amount of the First Nation, Metis and Inuit Education Supplement Allocation grant by the Ontario Ministry of Education to Keewatin Patricia District School Board was \$3,445,544.

**(c) Kenora Catholic District School Board**

The current statistics for Kenora Catholic District School Board are from the 2008-2009 school year. The total tuition fees charged to Treaty #3 First Nations was \$1,216,345. The total enrolment was 85 students from Treaty #3 tuition paying communities. The tuition amount for each elementary student was \$11,765.59 and \$13,055.65 for each secondary student.

In 2007-2008 the Kenora Catholic District School Board received \$449,221 from the First Nation, Métis, and Inuit Supplement grant. In 2008-2009 the grant amount was \$821,730.

Within the past 2 years the amount of the First Nation, Metis and Inuit Education Supplement Allocation grant to Kenora Catholic District School Board was \$1,270,951.

The table below shows the tuition paid to Rainy River District School Board, Keewatin Patricia District School Board and the Kenora Catholic District School Board from the last 2 years. The figures used in 2007-2008 and 2008-2009 calculations were provided from the financial departments of the three District School Boards. The First Nation, Métis and Inuit Supplement amounts are included in the table.

**Table 2: Provincial District School Board Education Funding for Treaty #3 Students**

	2007-2008 Actual	2008-2009 Actual	Total Tuition Past 2 years
Rainy River District School Board	\$3,630,521	\$4,959,941	\$8,590,462
Supplement	\$ 365,270	\$ 492,301	
Keewatin Patricia District School Board	\$3,504,947	\$4,108,901	\$7,613,848
Supplement	\$1,603,911	\$1,841,633	
Kenora Catholic District School Board	\$1,131,560	\$1,216,345	\$2,347,905
Supplement	\$ 449,221	\$ 821,730	
<b>Totals</b>	<b>\$10,685,430</b>	<b>\$13,440,851</b>	<b>\$18,552,215</b>

Source: Ontario Ministry of Education; Rainy River District School Board; Keewatin Patricia District School Board; Kenora Catholic District School Board departments.

In 2007-2008, over 8 million (\$8,267,028) in tuition fees was paid by Treaty #3 communities to the three School Boards. The three School Boards received a combined total of \$2,418,402 for the First Nation, Metis and Inuit Education Supplement Allocation grant by the Ontario Ministry of Education.

In 2008-2009, over 11 million (\$11,089,175) in tuition fees was paid by Treaty #3 communities to the three School Boards. The three School Boards received a combined total of \$3,155,664 for the First Nation, Metis and Inuit Education Supplement Allocation grant by the Ontario Ministry of Education.

Within a 2 year period, the total tuition fees for 2007-2008 and 2008-2009 school-years was almost 19 million (\$18,552,215) dollars.

The needs assessment found that there is significant underfunding and disparities that exist between the levels of funding provided by the federal government to First Nation's on-reserve schools and to provincial schools for the education of First Nations' students. More accountability measures need to be in place to ensure the cost effectiveness of educating Canada's First Nations' students (Auditor General's Report, 2005; Reforming First Nations Education Initiative, INAC, 2008) so that positive education outcomes are achieved and to close the gap in First Nations' student's high school graduation rates.

**RECOMMENDATIONS:**

- 4.2.1** It is recommended that Grand Council Treaty #3 address the disparities in funding based on the nominal roll between on-reserve schools and provincial schools with the federal government to initially determine what additional criteria and formulas are being applied to each jurisdiction for the provision of education for the Treaty #3 First Nations' students; and then identify a joint course of action to address the disparities prior to the 2010-2011 school year.
- 4.2.2** It is recommended that Grand Council Treaty #3 select a representative who can commit to providing responsible representation for each of the three district school boards that the majority of the Treaty #3 students attend; then provide a letter to each of the District School Boards naming their representative who will assist in the accountability for positive educational outcomes for the Treaty #3 First Nations' students; and request a meeting to discuss the logistics of formal implementation of the Treaty #3 representation on their respective boards.

### 4.3 Teacher Salaries

The data on the table below shows the salary grids of Keewatin Patricia School Board (top line in each row) and three First Nation schools. The grids are current for the school year 2009-2010.

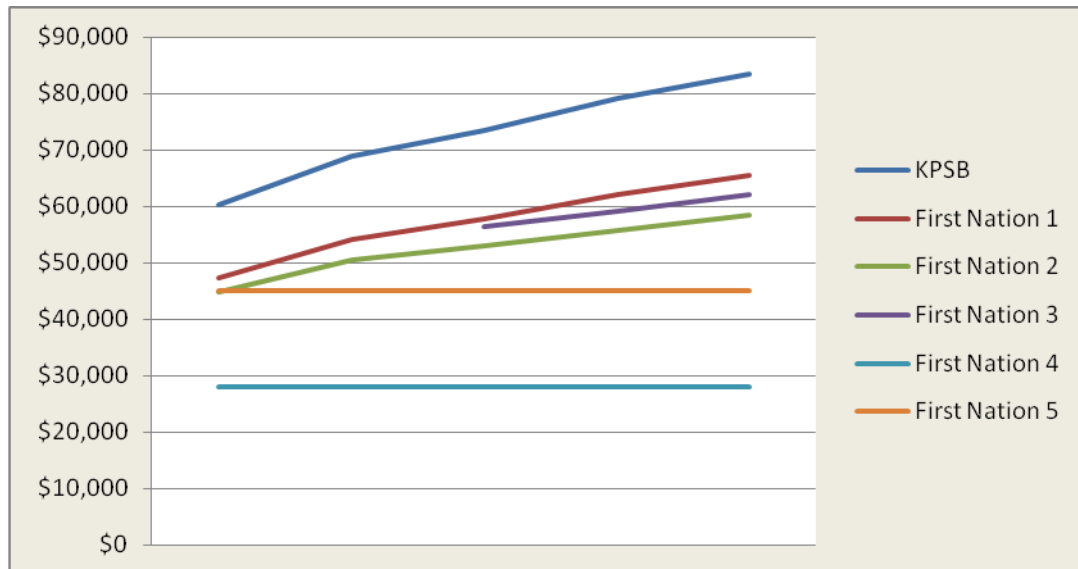
**Table 3: Sampling Comparison Data on Teachers Salaries: On-Reserve vs. Off-Reserve**

Years Experience	A0	A1	A2	A3	A4
0	\$39,092	\$44,236	\$46,446	\$49,539	\$51,531
	\$30,741	\$34,785	\$38,524	\$38,956	\$40,522
	\$33,608	\$39,382	\$41,351	\$43,419	\$45,590
	\$31,352	\$32,920	\$34,566	\$36,294	\$38,109
1	\$41,198	\$46,653	\$49,142	\$52,464	\$54,709
	\$32,396	\$35,885	\$39,544	\$41,256	\$43,032
	\$34,727	\$40,501	\$42,525	\$44,651	\$46,885
	\$32,920	\$34,566	\$36,294	\$38,109	\$40,014
2	\$43,301	\$49,067	\$51,839	\$55,389	\$57,889
	\$34,051	\$38,585	\$40,764	\$43,556	\$45,522
	\$35,845	\$41,619	\$43,699	\$45,884	\$48,179
	\$34,566	\$36,294	\$38,109	\$40,014	\$42,015
3	\$45,406	\$51,484	\$54,537	\$58,312	\$61,068
	\$35,706	\$40,485	\$42,884	\$45,836	\$48,032
	\$36,963	\$42,737	\$44,873	\$47,117	\$49,474
	\$36,294	\$38,109	\$40,014	\$42,015	\$44,116
4	\$47,512	\$53,899	\$57,230	\$61,239	\$64,248
	\$37,361	\$42,385	\$45,004	\$48,156	\$50,622
	\$38,081	\$43,855	\$46,047	\$48,349	\$50,769
	\$38,109	\$40,014	\$42,015	\$44,116	\$46,322
5	\$49,615	\$56,314	\$59,924	\$64,163	\$67,427
	\$39,016	\$44,285	\$47,124	\$50,458	\$53,022
	\$39,200	\$44,974	\$47,221	\$49,582	\$52,063
	\$40,014	\$42,015	\$44,116	\$46,322	\$48,638
6	\$51,720	\$58,731	\$62,622	\$67,088	\$70,605
	\$40,671	\$46,185	\$49,244	\$52,755	\$55,822
	\$40,318	\$46,092	\$48,395	\$50,815	\$53,358
		\$44,116	\$46,322	\$48,638	\$51,070
7	\$53,824	\$61,147	\$65,318	\$70,013	\$73,785
	\$42,326	\$48,085	\$51,264	\$55,055	\$58,022
	\$41,436	\$47,210	\$49,568	\$52,047	\$54,653
		\$46,322	\$48,638	\$51,070	\$53,623
8	\$55,917	\$63,564	\$68,014	\$72,938	\$76,964
	\$43,981	\$49,985	\$52,484	\$57,356	\$60,322
	\$42,554	\$48,328	\$50,742	\$53,280	\$55,947
		\$48,638	\$51,070	\$53,623	\$56,305
9	\$58,036	\$65,980	\$70,710	\$75,860	\$80,143
	\$45,636	\$51,885	\$55,804	\$59,656	\$63,022
	\$43,673	\$49,447	\$51,916	\$54,513	\$57,242
			\$53,623	\$56,305	\$59,120
10	\$60,138	\$68,782	\$73,423	\$78,954	\$83,382
	\$47,291	\$54,088	\$57,738	\$62,067	\$65,588
	\$44,791	\$50,565	\$53,090	\$55,746	\$58,536
			\$56,305	\$59,120	\$62,076

Source: Keewatin Patricia School Board Collective Agreement; Treaty #3 First Nation Communities with Schools

The data shows that the more experience and more qualifications a teacher has, the salary he or she can earn is significantly higher in Keewatin Patricia District School Board.

**Chart 2: Teacher Experience & Qualifications vs. Salary**



With ten years experience and minimum qualifications a teacher who works for First Nation 2 would start with a salary of \$44,791 compared with \$60,138 at KPDSB, a difference of \$15,347 dollars.

With ten years experience and higher qualifications, a teacher who works for First Nation 2 would be eligible for a maximum of \$58,536 compared to KPDSB at \$83,382.00, a difference of \$24,846 dollars.

The current Indian Affairs salary scale with ten years experience and higher qualifications (level 6) shows earnings at \$80,465.00 which is a difference of \$21,929 dollars. Indian Affairs has salary scales for “A teacher in the Department of Indian and Northern Affairs Canada” but does not provide the funding to match its scale to the Treaty #3 First Nation schools. The Indian Affairs salary scale can be found in Appendix D.

Some of the Treaty #3 First Nation schools do not have salary scales. In some communities, all the teachers, regardless of experience or qualifications have the same salary: \$45,000 dollars. A teacher/principal in one community has a \$28,000 salary. In a nearby mainstream community, the principal of a provincial elementary school with over 80% of Treaty #3 First Nation enrolment earns a salary of \$123, 000 and the mainstream teachers average a \$78,000 salary.

In one of the communities, a teacher volunteers as the Education Director. The Band does not have the funds to provide a salary for an education director.

The needs assessment indicates that inadequate funding that is provided to the Treaty #3 schools does not allow the First Nations to compete for experienced, highly qualified teachers or even inexperienced teachers with minimum qualifications. The inadequate funding also contributes to the problems of recruiting and retaining teachers in the Treaty #3 First Nation schools. Another serious consequence is that the students do not benefit from the consistency and continuity of teaching staff in their schools. The teachers who stay in the Treaty #3 schools, despite the low salaries, need to be commended for their dedication to the communities and to the students.

**RECOMMENDATIONS:**

- 4.3.1** It is recommended that Grand Council Treaty #3 address the funding disparity in salaries for teachers in the Treaty #3 on-reserve schools with Indian and Northern Affairs Canada and resolve the disparity by the 2010-2011 school years.
- 4.3.2** It is recommended that Grand Council Treaty #3 support their local education authorities/school boards to ensure that appropriate teacher salary scales are in place which would support the Chiefs' negotiation process for bringing federal education dollars at par with provincial school teacher salary scales.

#### **4.4 Professional Development and Training**

First Nation schools are mandated to follow the provincial curriculum; however, they do not receive any funding from INAC or the province to train teachers in their schools and the teachers are not provided with any guidance on the best practices for implementing new provincial initiatives such as numeracy and literacy.

The Catholic District School Board received \$1.5 million in special purpose grants to focus on training teachers on how to apply the best methods for teaching literacy and numeracy. When the Ministry changes the curriculum, the Ministry sends specialists to the provincial schools to provide professional development, guidance and training to deliver the curriculum.

The needs assessment has indicated that professional development dollars for on-reserve teachers is not existent. This presents a grave picture for the capacity of on-reserve teachers to competently teach the curriculum to their students and apply appropriate differentiated teaching methods and practices that can facilitate learning for First Nations' students.

#### **RECOMMENDATION:**

- 4.4.1** It is recommended that Grand Council Treaty #3 negotiate annual regional professional development sessions for on-reserve teachers that would make provision for teachers to receive the required accredited professional development training to support the teaching and learning in the Treaty #3 on-reserve classrooms.

#### **4.5 Libraries**

The needs assessment study found that the libraries in the Treaty #3 schools are well-stocked with books. The books were donated from various sources during former Lt. Governor Bartelman's 2004 book drive for First Nation schools in Ontario. The donations are appreciated; however, the majority of the books are outdated. Some of the Treaty #3 schools do not have the funds to employ librarians and many of the books are still in boxes. A qualified librarian is necessary to sort and code the books and to stock the library shelves accordingly.



Source: Treaty #3 Needs Assessment School Visit

In the provincial schools, the Ministry of Education announced that the elementary students will start their 2009 school year with more than one million new books in the school libraries, and there are more on the way.

*School libraries play an important role in encouraging young students to develop strong literacy skills and a love of reading. It is essential that those libraries have up-to-date collections for all students (Ministry of Education).*

*Strong literacy skills are crucial for future success. By ensuring that our elementary school libraries are stocked with up-to-date and affordable books and resources, we're giving young students more tools to succeed." Kathleen Wynne, Minister of Education*

*"We knew that our library needed updating to reflect new curriculum needs and materials for our diverse school community. This funding provides valuable resources for students and for teachers to continue delivering effective instruction. Thanks to the significant discounts, we*

*received more value for our money. Our students are definitely benefiting from a more current and exciting library collection."* Karen Richardson, Teacher/Librarian, Terry Fox Public School.

Unfortunately, the students in Treaty #3 schools do not have access to the same tools to succeed. The needs assessment indicates that the Treaty #3 schools lack the funds to purchase affordable, up-to-date books and or the technical capacity to utilize the library resources currently available to them.

#### **RECOMMENDATIONS:**

- 4.5.1** That Grand Council Treaty #3 provides support to the local education authorities/school board to recruit teachers with specialized training in the library sciences which would assist in implementing a plan for a fully functioning library in each of the schools.
  
- 4.5.2** It is recommended that Grand Council Treaty #3 incorporate a library training workshop in the proposed regional professional development sessions for on-reserve teachers.

#### **4.6 Technology**

The needs assessment study found that the majority of the Treaty #3 schools have computer rooms with up-to-date computers. Many schools also have computers in the classrooms. Some elementary and high school classrooms have Smart Boards, the latest technology for instruction.



Source: Treaty #3 Needs Assessment School Visit



Source: Treaty #3 Needs Assessment School Visit

However, some of the teachers do not know how to use this technology and there are no training dollars available for the Treaty #3 school teachers.

Some of the Treaty #3 schools have not been able to set up their computers because of the lack of financial and technological resources to set up the computers. The new computers (picture on the right) have remained in their original packaging and the students are not able to use the computers.

#### **RECOMMENDATIONS:**

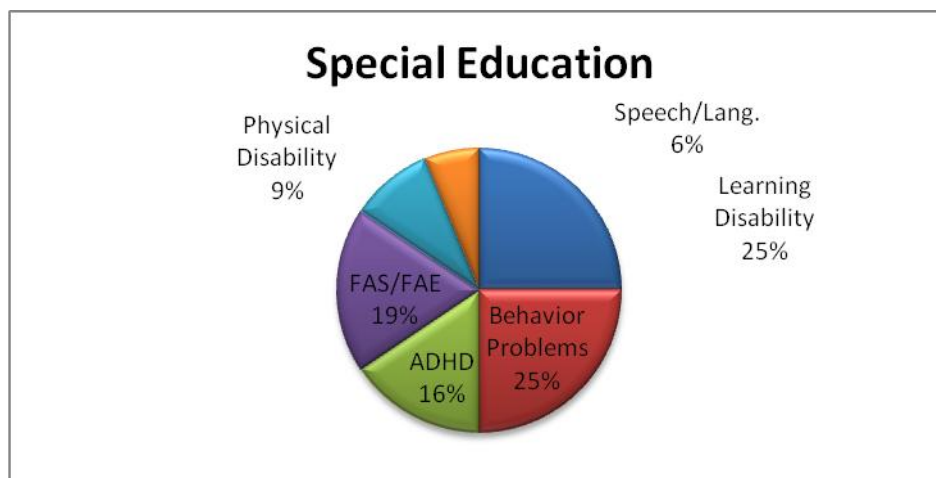
- 4.6.1** It is recommended that Grand Council Treaty #3 support education authorities/school boards to ensure that the teachers who are being hired for on-reserve schools possess the necessary basic computer technology skills for use in the classroom.
- 4.6.2** It is recommended that Grand Council Treaty #3 ensure that on-reserve schools have access to resource people who are able to address basic computer technology maintenance and infrastructure design issues.

## 4.7 Special Education

The needs assessment research study found that the Treaty #3 First Nation schools lost \$3 million during the first year the new funding formula was implemented. In addition, the costs for student assessments vary from school to school. The cost for assessments in one community is \$500 per student; whereas, the costs for assessments for other communities range from \$1,500 to \$3,000 per student. Another issue for the Treaty #3 schools is INAC's discriminatory practice of accepting a Special Education Resource Teacher's assessment for a Treaty #3 student in a provincial school setting; however, the Special Education Resource Teacher's assessments in the Treaty #3 schools is not deemed acceptable by INAC. Treaty #3 schools also need second, third, and fourth specialist assessments; however, INAC still does not accept these additional assessments.

The First Nations schools report that a high number of their students are special needs students who suffer from FAS/FAE and/or have behavior problems (47%) but the schools are denied additional funding under the special needs categories because the funding requirements stipulate there must be safety issues for the students and teachers. One community provided verification by a medical doctor regarding safety issues for students and teachers and INAC still denied additional funding.

**Chart 3: Special Education**



Source: Treaty #3 Needs Assessment Surveys and Interviews with Community Educators.

A major issue for the Treaty #3 communities that have to send their students to the provincial schools is that Special Needs students who require one-to-one teacher-aides do not seem to be provided with that service. The following commentary highlights the lack of deference to First Nation parents and special needs students in provincial schools.

An Education Director reports, *“The principal of a provincial school was in a meeting with a guardian who was trying to register her grandson at the school in the fall of 2008. The student is classified as Special Needs. The guardian wanted him to attend the same school as his siblings but she was told that there was a waiting list at the present time. The grandmother (guardian) was told that the school’s priority was to the taxpayers. The grandmother was unaware of the insinuation and she went home and waited for a phone call that never came. She followed up with phone calls to the principal and the school secretary to no avail. After nearly 2 months of waiting for a response, she had no choice but to register him at another school”*

The following is another incident involving a special needs student in September 2009 at one of the provincial schools: A student who is classified as Special Needs was found wandering around alone on the street during the Terry Fox run. The Band sponsored him for a one-to-one worker and yet he was seen without adult supervision. A First Nation Education Coordinator reports, *“Being the education coordinator, I received a call from one of the Councilors of the First Nation, who just happened to be the student’s aunt and she told me about the incident. The administrators were not available to take my call so I went to the school to see what was going on. The Band is billed almost \$50K a year for this particular Special Needs student and he is not receiving the service that we pay for. This is utterly despicable and wrong. When I asked the Educational Assistant’s supervisor why he was alone in the first place, her response was that she figured the child would be okay alone for a few minutes. His one-to-one worker was helping another worker and left him alone”*.

The administrators, supervisor and educational assistant clearly demonstrated a lack of respect to the Treaty #3 parent, guardian, education coordinator and Special Needs students. These incidents are not isolated and First Nations do not have a choice because they are denied their

own schools by INAC. The most common reason INAC uses to deny First Nations their own schools is that the Treaty #3 communities do not have the enrolment to warrant their own school. However, the public elementary school in Savant Lake has a K-8 total enrolment of 16 students. The Treaty #3 communities without schools have K-8 provincial enrolments ranging from 24 to 100+ students.

To contextualize the discussion of the findings on special education, it is important to be aware of the changes in special education that have happened in the last five years and the direction that The Chiefs of Ontario are taking with respect to this high need area. The following is relevant to this discussion.

- **Background Special Education**

Authority for the Special Education Program (SEP) for the First Nation students who live on reserve falls under the *Department of Indian Affairs and Northern Development Act*, R.S., 1985, c. 1-6, s. 4; *Indian Act*, R.S.C., 1985, c. 1-5, s. 4(3) and s. 114-122 on elementary and secondary education; and, a number of internal federal documents that provide for the programming. Funding for SEP, established in 2002, provides additional funds for programming and services for First Nation children with identified special needs. The SEP funds are targeted to improve the quality of education and increase the support services for eligible students who are classified with moderate to profound special needs. Funding supports both direct and indirect intervention based approaches to programming, which requires formal assessment for students and the development of intervention programming. According to INAC's Special Education Program Terms and Conditions document, the objective of the SEP and funding provided to the First Nations students is "to improve the educational achievements of First Nation students on-reserve by providing for access to special education programs and services that are culturally sensitive and meet the provincial standards in the locality of the First Nation." (p. 1)

Eligibility for funding under INAC's SEP for special education students requires that the students have to be on the Nominal Roll and "whose special education needs cannot be met within the resources intended for the general student population". Only high cost special

education needs are eligible for additional funding under SEP. This means that special education needs students categorized as mild to moderate are expected to have their needs met under DIAND's Elementary/Secondary Education Program, and only those ranging from moderate to profound are eligible for SEP funding.

In 2007, Indian and Northern Affairs Canada undertook the evaluation of the Special Education Program to define a renewed authority for the SEP and to build a foundation for future evaluations of the SEP

- **The Chiefs of Ontario**

In Ontario, the INAC-Ontario Region and the Chiefs of Ontario was granted "Intervention Based" pilot project status to administer the High Cost Special Education Funding. At one time the funding was formula-based to support the costs for on-reserve special needs students who attended the on-reserve and provincial schools. Funding for the First Nation Special Needs students who attended the provincial schools was taken care of through the tuition billing process.

The First Nation Education Coordination Unit (FNECU) is comprised of representatives from the Political Territorial Organizations and Grand Councils of Ontario who are coordinated by the Chiefs of Ontario Office. The FNECU established and mandated the Ontario First Nation Special Education Working Group (OFNSEWG) to operate as the technical advisory body for the FNECU regarding issues related to Special Education and the First Nations in Ontario. The OFNSEWG is comprised of six First Nation representatives (GCT#3, AIAI, UOI, NAN, Independents, and COO) and three INAC representatives. It was the intent of the OFNSEWG to set up a process and formula that allowed for better management for the allocation of SEP funds to the communities in Ontario.

The Chiefs-in-Assembly adopted Ontario First Nation Special Education Strategy as developed by the OFNSEWG which included the proposed Ontario First Nation Special Education Guidelines and the Ontario First Nation Special Education Program Funding Formula. This

initiative was in response to INAC's attempt to cap funding to Special Education to the First Nations across Canada. Ontario did not want to use INAC's Regional Management Options approach for the First Nations in Ontario and was approved for a pilot project that enabled the Chiefs in Ontario to work through the Chief's of Ontario office to develop a formula for the First Nations. The formula would be based on a base amount for each First Nation with a school, size of community and whether the First Nations was a northern or remote community.

The Ontario First Nation Special Education Guidelines sets out information and resources as a support to the Ontario First Nations to administer the SEP. The Ontario First Nation Special Education Program Funding Formula was adopted by the Chiefs-in-Assembly in November 2006 by Resolution 06/101. It was designed to enhance the First Nations' control for the Special Education Program funding.

The Special Education Program formula provided for the principle to be implemented in 2008. It states that no First Nation would receive less funding than they received under the previous 2006-2007 funding formula.

The formula pooled the band-operated and provincial high cost funding into one pot to provide Special Education Program funds for First Nation students who are between the ages of 4 and 21 who are counted under the Nominal Roll system. This formula includes students participating in the regular school system for the purpose of a special education program and can include home schooled students who are not on the nominal roll list, but does not include the students who attend alternative or adult education programs. The formula was anticipated to provide the First Nations with more flexibility to determine their priorities and to increase their ability to negotiate the purchase of services with the provincial boards for high cost Special Education programming and services.

Under this current formula, each First Nation school receives a base amount of \$72,000 to cover the needs of all special needs students, while additional funds are provided for the small school, remoteness, and northern community factors. The small school factor provides for 10% in additional funds if there are at least five students but no more than 100 full-time equivalent

students, while the remoteness factor adds an additional 10%, and there are 10% in additional funds for the northern communities. All the Treaty #3 First Nations with schools receive the northern community factor amount, and three of these First Nations qualify for the remoteness factor.

The budget for 2009-2010 for the High Cost Special Education Program is \$25.4 million, of which \$1.54 million is to be directed to the federal and provincial schools and the remaining \$23.87 million to be dispersed to the First Nations as per the revised formula. While this formula may have some benefits to some First Nations in Ontario, there are identified gaps that have been created where the communities are larger in size and may have more students with special needs. Due to these concerns raised with the funding formula, the Chiefs-in-Assembly passed Resolution 08-86 mandating the OFNSEWG to conduct an audit and evaluation of the High Cost Special Education Program for Ontario. The evaluation was to be completed in the summer of 2009 but was still underway while this report was being drafted.

This needs assessment has clearly identified disparities in special education funding in on-reserve schools related to assessment and classroom supports for the range of special education needs students. It has also identified the apparent lack of accountability for specialized one-to-one support in provincial school classrooms for First Nations' students with special education designations.

#### **RECOMMENDATIONS:**

- 4.7.1** It is recommended that Grand Council Treaty #3 remain closely involved in the OFNSEWG evaluation of the High Cost Special Education Program for Ontario and utilize the findings of the evaluation to enhance an accountability mechanism for funding the range of special education needs among students attending on-reserve and provincial schools; and to address the apparent funding disparities that exist between the two jurisdictions.

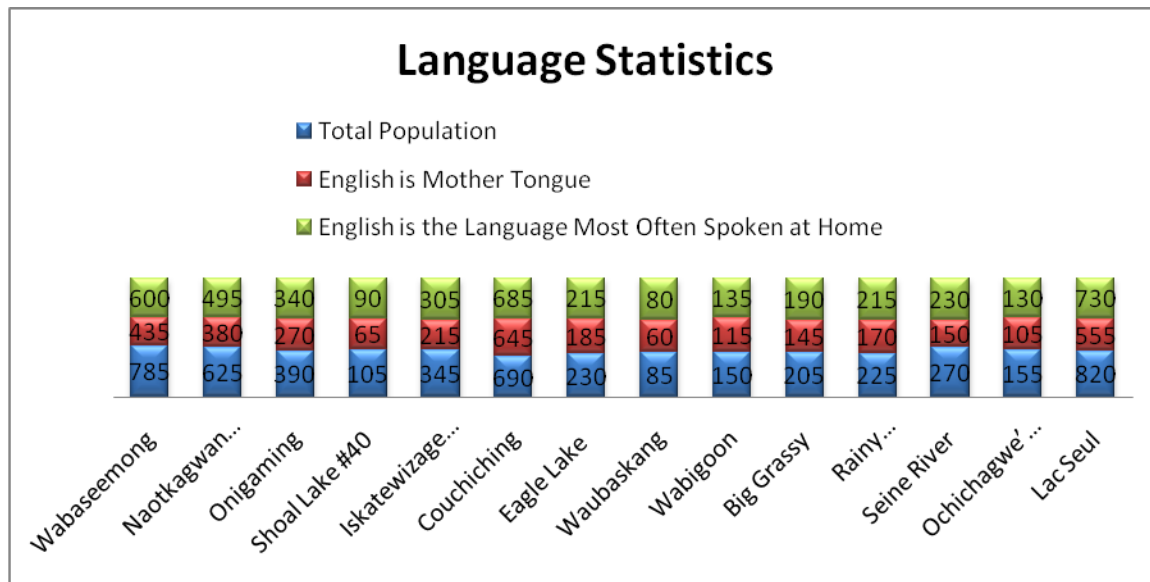
**4.7.2** It is recommended that Grand Council Treaty #3 establish a second and third level service delivery and support unit to address the multiple issues related to Special Education assessments, funding, placements and programming; in addition to the other related recommendations contained within this report.

## 4.8 Language

Language is a key conduit to imparting culture and an understanding of a nation's worldview. Ojibway is the mother language of the Treaty #3 First Nations; however the needs assessment has found that the original language of the people is not the mother tongue of the children in the Treaty #3 First Nations communities.

The statistics below in Table 4 are a sampling from the Treaty #3 First Nations. The data was taken from 2006 Statistics Canada.

**Table 4: Sampling of Language Statistics in Treaty #3 First Nations**



The needs assessment study found that the mother tongue for all children who are born to the Treaty #3 First Nations is English. There are no children in the Treaty #3 territory who are learning the language, no children who can speak Anishinaabe fluently or even respond in phrases when asked a question in the language. The speakers of the language are older adults and when they are gone, the specific way of speaking Anishinaabe in Treaty #3 will be gone. This underscores the urgency to develop and implement the recommendation for immersion programs in Treaty #3.

The challenge of many Treaty #3 communities has always been to revitalize the language and to increase the numbers of Ojibway fluent speakers balanced with a quality education. The concept of schools within their own communities was based on having Anishinaabe language and culture as the foundation for learning. The results from the surveys, interviews, and conference focus group discussions clearly show that Native as a Second Language which is taught for 30 minutes a day does not work. The children and the youth are not becoming fluent speakers and neither can they respond with brief phrases when they are asked a question in Ojibway.

Ojibway language is taught using roman orthography and this system seems to deter students from enjoying or wanting to learn Ojibway. Ojibway language programs use the system of teaching English to English speaking students. English speaking students are already fluent speakers when they start learning how to read and write in English. Native language programs have been designed to teach second language learners using the same system as first language learners and the method has not worked. A different method of teaching Ojibway needs to be explored if the goal is to have fluent Ojibway speakers. The Treaty #3 research results indicate that fluency in Ojibway is the ultimate goal and the development of Ojibway immersion schools was recommended.

A post-secondary institution offers a Native Language Certificate program for Ojibway language teachers; however, the program does not provide the students with the qualifications to work as a teacher aide. Questions arise as to whether this program is sufficient if the graduates do not even attain the qualifications as a teacher aide and yet can assume the duties as a teacher of Ojibway.

Further research should be conducted to determine if the program is providing competent teaching skills and abilities and whether the students are able to use these skills to teach the language and produce fluent speakers in Treaty #3. First Nations have scarce resources for post-secondary programs and a Native Language Certificate program should yield better qualifications for their Treaty #3 students.

The existence of the Native Language Certificate program highlights the need for such a program. However, the need in the Treaty #3 territory is to have accredited and certified Ojibway language teachers/instructors in both the Treaty #3 schools and the District School Boards where there is a shortage of qualified Native Language teachers.

#### **RECOMMENDATIONS:**

- 4.8.1** It is recommended that Grand Council Treaty #3 support the accreditation and certification of Ojibway language teachers/instructors by entering into discussions with post-secondary institutions and the Province of Ontario.
- 4.8.2** It is recommended that Grand Council Treaty #3 mandate the local education authorities/school boards' to develop and implement an Ojibway Language Program that focuses on oral fluency and proficiency, with an oral literacy requirement.

#### **4.9 Curriculum**

The lack of First Nation content in the provincial curriculum has been one of the major issues in First Nation education since 1972. The needs assessment study findings indicate that this is also an issue in Treaty #3 education. The low graduation rate of the Treaty #3 students reveals that the provincial education system is not working.

The foundation of the provincial curriculum is based on European values, customs, philosophies and worldviews. This means that the European perspective is used to impart knowledge about history, science, literature, law and belief systems. This approach teaches, for example, that Christopher Columbus ‘discovered’ the Americas and Native Americans came across the Bering Strait. First Nation worldview, history, literature, science and oral traditions are essentially excluded from the curriculum. The absence of First Nation content communicates to First Nation students that their culture, history, traditions, and worldview are not important or worthy. Dr. Eber Hampton states that Native American students who do not know their history grow up with fragmented identities and this affects every aspect of their lives.

Recent studies show a strong connection between First Nation community practices that preserve individual and cultural identity with zero rates of youth and adult suicides and First Nation communities that do not practice cultural continuity with high rates of youth suicides (Chandler & Lalonde, 2008). A curriculum that does not include First Nation content does not help to promote or produce strong intact First Nation identities.

Referring to Aboriginal youth, Castellano (2008) wrote:

*Participants report that high school, in particular, is a major site of identity struggle, that they feel disconnected from the curriculum and the school environment and uneasy about ‘leaving behind’ peers and relatives if they achieve too much...such feelings and consequent decisions are reflected in statistics that indicate half of Registered Indians in the 20-24 age bracket have left school without a graduation diploma...male Aboriginal youth have disproportionately high rates of incarceration and suicide...Registered Indian girls in their teen years bear children at six times the rate of teenagers in the general population..*

**RECOMMENDATIONS:**

**4.9.1** One of the recommendations from the needs assessment study is the development of the Treaty #3 curriculum that is grounded in First Nation philosophies, language, and traditions. The graduation rates for Treaty #3 students are low and studies show that the lack of a strong intact First Nation identity seems to contribute to the low level of academic success in high school. The implementation of a Treaty #3 curriculum would help in the development of strong identities and possibly increase the retention and graduation rate of Treaty #3 students.

**4.9.2** The recommendation for an urban Treaty #3 school ties in with the recommendation for the development and implementation of a Treaty #3 curriculum. These recommendations provide an opportunity to improve the educational experiences and academic outcomes of Treaty #3 students.

However, concerns about segregating students were raised during the needs assessment study. The persistent low retention and graduate rates of Treaty #3 students in integrated schools provide evidence that integration does not work. One community reported that an average of 43 students drop out of high school each year and approximately 170 students dropped out in the last 5 years. *“Some groups of students drop-out together.”* The Treaty #3 First Nations are paying high tuition fees for each student to attend an integrated school and the provincial schools are failing.

The benefits of segregated urban Treaty #3 schools include the opportunity to address social issues that are common to First Nation students. These issues cannot be addressed in integrated schools without making First Nation students uncomfortable. First Nation students would not feel free to discuss these issues in front of their white peers. Another advantage is that a

segregated school would enable an environment that is open to traditional teachings and frank discussions on the history of First Nations.

*“When I walked by one of the First Nation schools, I heard the music of traditional drumming and it was loud enough to hear it clearly outside. First Nation students in integrated schools would not feel free to play this kind of music.”(Anonymous, 2009)*

The youth forum participants stated that the only history about First Nations consisted of the Iroquois during the French and Indian War. When they were asked about what they knew about the Indian Act and how it has affected the lives of First Nations, the students did not know. When they were asked about the history of Treaty #3, they did not know. When they were asked about the history of Bill C31 and how it relates to the non-Indian status of their children, they did not know. Unless, the Treaty #3 First Nations take complete control of the education of the Treaty #3 students, even the graduates from the provincial schools will leave high school with an incomplete education.

Studies show that a solid understanding of one’s history and traditions helps to build strong identities and promotes an easier transition into mainstream society. The success of the students from Children of the Earth High School in Winnipeg attests to the value of segregation.

#### **4.10 Elementary and Middle School**

There are 30 separate communities in Treaty #3 and 16 communities do not have an elementary school. (Northwest Angle # 33 has 2 separate communities, Northwest Angle # 37 has two separate communities and Lac Seul has 3 separate communities.) The absence of elementary schools in 16 communities means that the children have to travel every day to attend school.

The travel times range from approximately 30 minutes to 3 hours to and from school daily. The children from Northwest Angle #33 have to travel by boat to meet the bus in Minnesota. The

student's bus ride takes another 40 minutes to arrive at school. The students rise at 5 a.m. and arrive home at 6.p.m.

The majority of the children who have to commute to school have get up very early to travel long distances to attend school and this affects their physical, emotional, and mental well-being. The children may get hungry on the way home, may feel unsafe on the boat or on treacherous roads during severe weather conditions.

The needs assessment has found that less than 50% of the Treaty #3 communities have their own elementary schools, resulting in young children having to commute back and forth by various modes of transportation (bus, boat) to and from provincial schools. The time involved in accessing elementary education ranges from 30 minutes to as much as 3 hours daily which leaves little time for proper nutrition, and family time in the mornings and evenings and homework, if any has been given. This situation compounds the quality of life of the children and impacts the quality of education they are accessing from the provincial schools.

**RECOMMENDATION:**

**4.10.1** It is recommended that Grand Council Treaty #3 address the issue of commuting to provincial schools and its overarching impact on the children's quality of life, health and wellness, and quality of education, as part of the tripartite meetings with federal government and provincial government, with a view to advocate for local elementary community schools.

Some parents raised concerns about the racism their children encounter in the provincial schools. One parent stated, *"I have two sons, one is dark and the other one is light. The light one fits in. The dark one has to fight a lot."*

An education coordinator said that the parents are not treated with respect by the administrators in the provincial schools. This is demonstrated by the following: *The principal of a provincial school had a meeting with a parent who was trying to register his child at the school. The parent was told that the principal would call him back within a week. The call never came. The principal did not even call to tell the parent that there was no room. The parent had to register his child elsewhere.*

The following incident at a Kenora provincial school highlights the needs assessment findings that First Nation students are being suspended or expelled more often than students who are not First Nation.

*A junior administrator called the parents to say that two of their boys were going to be suspended for fighting. The boys had never been in trouble at school before. They were overall good students. The father went to the school immediately and was met by the junior administrator who was very rude to him. The father asked to speak to his boys and wanted to hear their side of the story. He ended up speaking to the senior administrator because the junior administrator who had made the call to the parents had already left. The boys were defending themselves because a non-Native kid wanted to fight when one of the boys sat at the same table as the non-Native kid. They were going to suspend the Native boys but not the white kid. The father convinced the senior administrator not to suspend his sons.*

Another parent at the conference made an emphatic statement. *“What do we do when our children are being abused like this? What do we do? We send them back to these schools. We have to do something!”*

#### **4.11 Secondary Education**

Based on the data that has been provided, the current school year has an enrolment of approximately 300 Treaty #3 high school students in Kenora, Sioux Lookout, Dryden, Red Lake and Fort Francis. Last year, there were 28 graduates and 87 graduated within the last 5 years, an average of 17 graduates a year. There are 20 First Nations without a high school and that

averages to less than 1 graduate from each community each year within the last 5 years. The data does not show whether or not any of the high school graduates graduated from the 7 Generations high school program that is delivered to the communities.

The 7 Generations Institute delivers high school programs to many First Nation communities that do not have a high school. The students work on individual modules and a teacher from 7 Generations provides instruction and or assistance with the modules. The teachers travel to the Treaty #3 communities and some teachers are hired from within the communities.

The recommendation to establish an urban Treaty #3 school (as per 4.9.2) is a reasonable recommendation to make when one examines the combined cost of education alone i.e. tuition, transportation and in some cases room and board for students in urban centers. The Auditor General Canada (2005) reported that little progress had been made to close the gap in high school graduation rates between First Nations' students and non-First Nations populations in Canada. The report also continues to call for more cost effective measures to provide education to First Nations' students.

**RECOMMENDATION:**

**4.11.1** It is recommended that Grand Council Treaty #3 continue to support the 7 Generations Institute model which provides access to high education to First Nations' students in their home communities, as an alternative program until a high school is built in their home community; after which time the program model can be fully implemented in the individual community schools.

#### **4.12 Commuting and Boarding Homes**

As stated above, there were approximately 300 Treaty #3 high school students in provincial high schools last year. This year as in previous years, the students have to travel daily to the provincial schools or they have live in boarding homes in mainstream communities. There are some high school students who board in First Nation homes during the week.

For example, the high school students from Kejick Bay and Whitefish Bay (both are Lac Seul communities) live in boarding homes in Frenchman's Head during the week. The students attend school in either Pelican High School or in Sioux Lookout and travel more than 2 hours daily.

Some high school students travel approximately 1.5 hours one way to attend school. The travelling time is 3 hours daily which is equivalent to travelling 2.5 school days a week; which amounts to 10 school days a month; 100 school days a year. During a 4-year high school program, a student would have travelled 400 school days a year – an equivalent of 2 years of school days. Most schools have 200 days in a school year.

Students who have to commute long distances to go to school can become too weary for homework; they cannot participate in sports after school; they cannot participate in other extra-curricular activities; their health and wellness is adversely affected; and their family time is also affected.

The hardships and hazards of traveling long distances every day include dangers such as severe weather, moose on the road, rough gravel roads, and in some communities, an excessive amount of s-curves.

Some of the students who have to live in boarding homes in mainstream communities have their food rationed and may have to go hungry; some are not wanted during the weekends and they have no place to go. Many students are lonely for their families and their communities. Some parents have found that their children are not being supervised and their children are staying out late at night.

Some families have moved to the mainstream communities so that their children do not have to stay in boarding homes. The change in residence results in a decrease in the nominal roll for the Treaty #3 First Nations. Rather than building schools in the communities, INAC seems to encourage migration into Ontario towns by paying boarding room rates to the Treaty #3 families.

The advantages to the towns is increased economic profits and the provincial schools benefit from the continued Treaty #3 student enrolment which keeps mainstream teachers employed and their provincial schools to remain open. Keewatin Patricia District School Board, Kenora Catholic District School Board, and Rainy River District School Board are all experiencing a declining enrolment from mainstream students. The enrolment of the Treaty #3 students and the funding from tuition agreements is becoming increasingly important to the 3 District School Board budgets. The Ministry of Education states:

*Most provinces in Canada are affected by the decline in the number of school-aged children.*

*Many Ontario school boards have also experienced changing demographics:*

- *Enrolment in Ontario schools declined by 90,000 students between 2002-03 and 2008-09.*
- *Between 2008-09 and 2012-13, enrolment is projected to decline by 56,000 students.*

The needs assessment study found that the students who attend provincial high schools still encounter racism not only by their white peers, but also by their teachers and administrators. A high school teacher made the following comment to Treaty #3 students in front of the whole class, “*It’s you. You kids that keep us behind.*” The youth felt embarrassed and were humiliated. A principal asked a student on the first day of school, “*Are you drunk?*” The student also felt humiliated in front of his peers.

At one of the education forums, a parent stated, “*It’s up to us to do something. Things will never change in these schools. I had to punch out white boys to survive in high school. Now my son is going through the same thing in Grade 11.*”

In another provincial high school, a white senior high school student threatened a Treaty #3 student and his girlfriend saying, “I’ll knock that little Indian girlfriend out too.” The Treaty #3 students are also treated differently from their white peers.

*“There was this teacher who knew I was struggling with this subject. She always put me on the spot by asking me to answer the questions and she knew I could not answer the question. I felt embarrassed and it made me look stupid in front of the other students. She always did that to me.”*

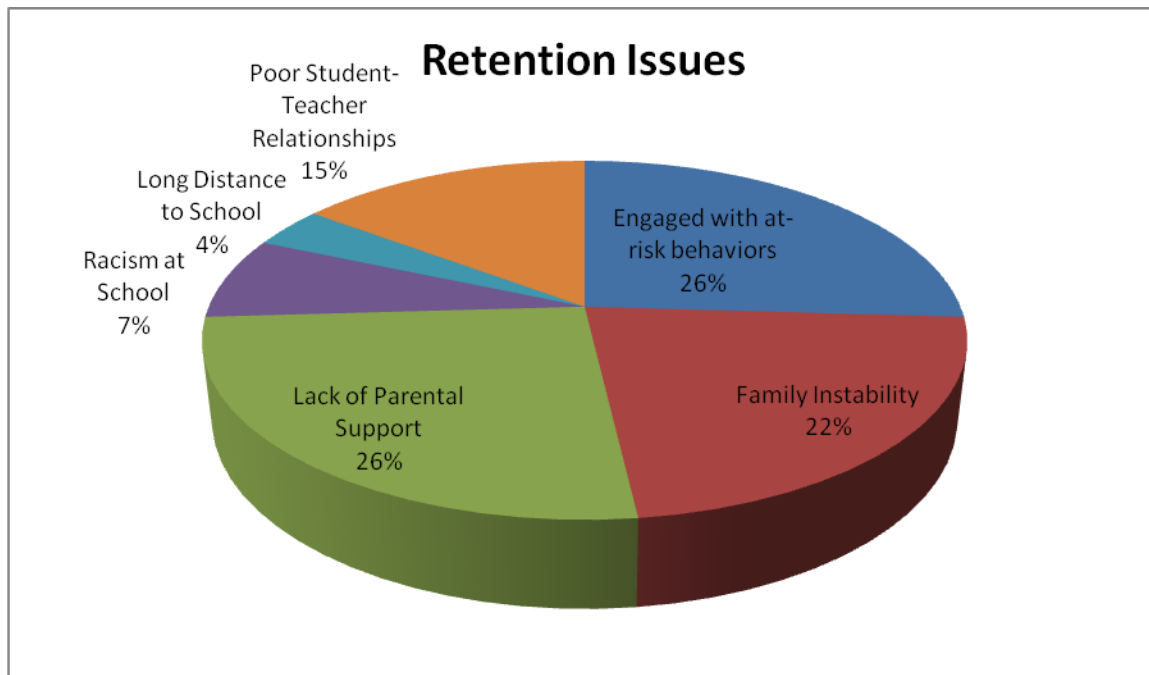
The needs assessment findings indicate that the students from the Treaty #3 communities who travel and board in homes near the provincial schools they attend are subjected to multiple traumas related to the hazards of travelling in inclement weather year-round by bus and or boat; as well as encountering racism and discrimination from their peers, teachers, administrators and boarding home parents. These negative experiences are borne by the Treaty #3 students and the economic advantages of their attendance in provincial town schools is borne solely by the schools, the staff, and the town people who board the students. It is difficult to fathom how the students are able to manage all these circumstances in their daily lives and be expected to perform at optimum levels in school. The parents also bear the burden of worry as to whether their children have made it to school safely and or whether they are being treated properly by the schools and their boarding home parents.

These findings support the **Recommendation 4.9.2** to establish local schools in each of the communities to maximize the safety and learning of Treaty #3 children in their home communities; which will lead to an improved quality of life and improved levels of wellness, thus reducing the incidence of illness, suicide, and other at-risk behaviors that may present themselves as a way of stopping the abuse.

### 4.13 Student Retention and Graduation Rates

Treaty #3 Education Directors identified several factors influencing retention, as per Chart 4 below. This data indicates students engaging in at-risk behaviors (26%), apparent lack of parental support (26%) and family instability (22%) are the top three factors influencing the retention of the Treaty #3 students.

**Chart 4: Retention Issues among Treaty #3 Students**



Source: Treaty #3 Needs Assessment Survey

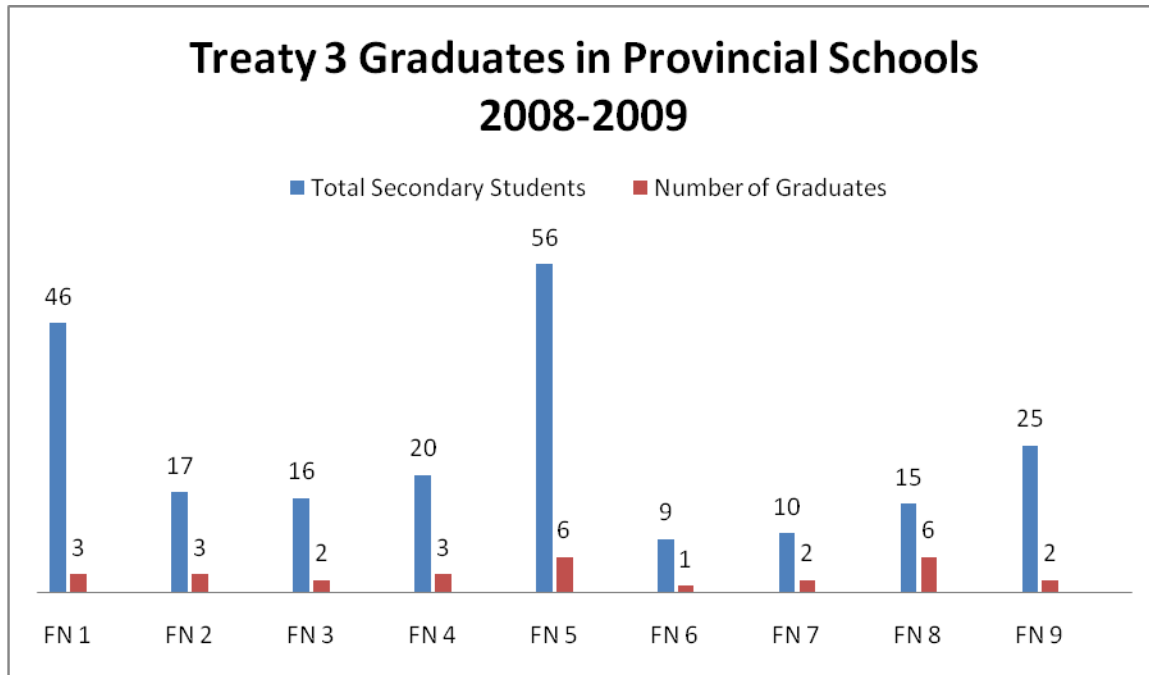
*“I quit school after I started hanging around with the cool kids. At least I thought they were cool then. I don’t even talk to them now. The real cool kids were the ones who stayed in class and didn’t skip. I should have listened to the people who told me to stay in school.”* (Youth Participant).

*“I went back to finish high school with 7 Gens and the teachers keep me motivated”* (Youth Participant).

Some of the Treaty #3 high school students have to try and cope with name calling from some of the white students and if there is an altercation, it is usually the Treaty #3 students who are suspended or expelled from school. The resource room in one of the provincial schools is labeled as the *Indian Room* by the students as an inordinate amount of First Nation students are sent to

that room. There is no instruction taking place in the *Indian Room* and the First Nation students ‘kill’ time while they are in that room.

**Table 5: Treaty #3 Graduates in Provincial Schools 2008-09**



Source: Treaty #3 Needs Assessment Survey

The statistics show a sampling of nine First Nations and the total enrolment of Treaty #3 students in provincial schools from Grade 9-12. The total number of students who graduated last year is also shown. A comparison of the drop-out rates is not possible as many First Nations did not provide the statistics.

These combined findings indicate that students are retaliating to the quality of education they are receiving by acting out and engaging in at-risk behaviors as per the findings from discussions with community Education Directors. The outcomes for Grade 12 graduates are dismal and range from 6.5% to a high of 40%, with the average being 16%. This average appears higher due to one particular First Nation community (FN8) on Table 5 above which reported a 40% graduate rate in 2008-09. This figure alone warrants further investigation to determine the factors influencing such a high graduation outcome.

These data and findings support the need for Grand Council Treaty #3 to establish local schools in the communities and consider establishing an urban First Nations school in one of the local districts as per Recommendation 4.9.2.

#### **4.14 Early Childhood & Day Care**

Due to time constraints the Treaty #3 research study did not allow for an in-depth study of the daycare and Headstart programs. However, the results showed that the funding is inadequate for staff salaries. In addition, regular evaluations of the daycare centers need to be conducted which is indicated by the following comments:

*They do not have any structured learning taking place. The daycare does not provide learning activities that ensure an easier transition to junior kindergarten. The children can sing their ABC's but they do not learn the concepts of the alphabet. If they are asked what comes after 'e' they do not know the answer.*

Further research is required for an in-depth study of the daycare centers. The development of a common curriculum that advances learning readiness and an easier transition into formal schooling experiences is recommended. The development of a complementary, systematic evaluation method is also recommended.

- Benefits of early childhood education

Intellectual accomplishment, social skill development, and health are significantly better for students who are in early childhood education programs which have a focus on learning. These benefits last for several years and numerous studies show that the graduation rate is considerably higher for those who were in early childhood education programs. Higher monthly earnings, higher rates of home ownership, fewer lifetime arrests, higher commitment to marriage, higher rates of employment, fewer rates on social assistance, and higher rates of car ownership are some of the long lasting benefits of participation in early childhood education programs.

**RECOMMENDATIONS:**

**4.14.1** It is recommended that Grand Council Treaty #3 consider a separate in-depth study into early childhood programs and daycare centers in the Treaty #3 communities which would include an evaluation component to determine the effectiveness and needs of the current programs and centers.

**4.14.2** It is recommended that the Treaty #3 schools work with the local daycare centers to develop a curriculum or learning opportunities that will provide a smooth transition into formal schooling experiences.

**4.15 School Structures**

The needs assessment study findings showed two Treaty #3 elementary schools with structural issues. The Ojibway Heritage School in Shoal Lake #40 has had plumbing problems in the school. The overflow from the toilets has seeped into the ground below the school. The advice from the experts was to pour Javex on top of the contaminated area. The polluted air is inhaled daily during school hours by the students, staff and anyone who enters the school. The community has been under a boiling-water advisory for several years and bottled water is delivered to the school.

The Wabsnki-Penasi School in Wabigoon First Nation has an old heating system and the Education Director predicts that the heating system will break down at any time. The Band does not have the funds to have a new heating system installed. The school is connected to the community center and the students use this as their gym. When the community center has bingo the students are not able to have gym classes for a few days due to the heavy smoke that is left behind.

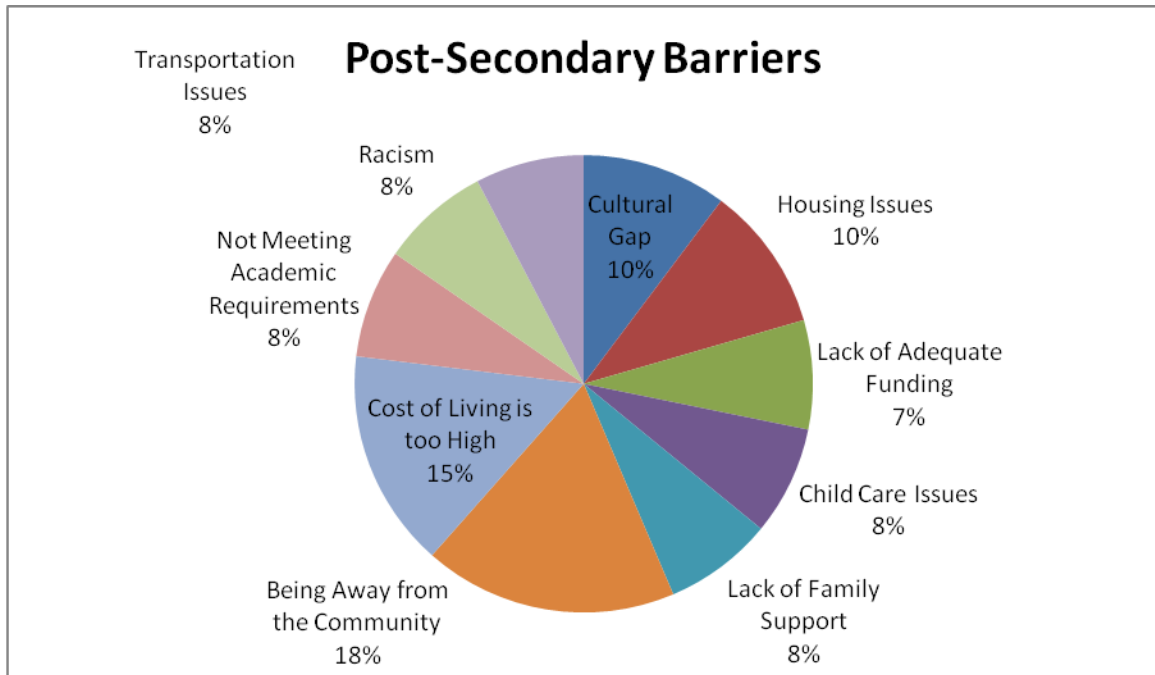
## **RECOMMENDATIONS:**

- 4.15.1** It is recommended that the Grand Council Treaty #3 provide the political advocacy for Ojibway Heritage School in Shoal Lake #40 to have the sewage contamination under the school removed and the school's plumbing system refurbished to help maximize the safety and learning of the Treaty #3 children in their own school.
- 4.15.2** It is recommended that Grand Council Treaty #3 provide the political advocacy for Wabsnki-Penasi School in Wabigoon First Nation for increased funding to have the school's heating system refurbished; and or
- 4.15.3** It is recommended that the Grand Council Treaty #3 provide the political advocacy for Wabsnki-Penasi School in Wabigoon First Nation for the establishment of a new school that will include a gym and a library and other amenities.

These findings support the **Recommendation 4.9.2** to establish local schools in each of the communities to maximize the safety and learning of Treaty #3 children in their home communities; which will lead to an improved quality of life and improved levels of wellness, thus reducing the incidence of illness.

### **4.16 Post-Secondary**

A random sampling of 12 needs assessment surveys shows that all or 100% of the communities do not have enough funds to sponsor all of the post-secondary applicants. The data from 12 surveys indicate that 67 potential students are on the waiting list.

**Chart 5: Treaty #3 Students Post-Secondary Barriers**

Source: Treaty #3 Needs Assessment Survey

The data shows that 60% of the barriers are related to financial issues. The living allowance rates for a single person range from \$600 to \$1000 a month. With the limited funding, the post-secondary students experience difficulties finding affordable housing when they move to an urban center to pursue a post-secondary education. Finding available daycares or reliable babysitters present difficulties for the students who have children. Leaving one's community means that family members are not available to help with child care or provide other supports. It is common that many family members do not have the financial means to assist their children who are pursuing a post-secondary education. The costs for bus passes are high and if a student has a vehicle, the insurance, license, parking and fuel costs are also high.

Another issue is that the students do not meet the academic requirements and find it difficult to stay in a post-secondary program when they are lagging behind academically. A participant at the conference affirmed, *"Our kids are not graduating with a Grade 12. Why do need College Prep programs? That is costing us more money."*

**RECOMMENDATION:**

**4.16.1** It is recommended that Grand Council Treaty #3 negotiate to remove the cap on post-secondary funding and to increase the funding to levels that are consistent with the current cost-of-living and current tuition costs. An increase in post-secondary funding is required to raise the amount of student allowances above the poverty level and to provide an opportunity for all students to access a post-secondary education.

**5. Education Conference Findings and Recommendations**

The needs assessment study included two conferences and several recommendations were made during the conferences. These recommendations are consistent with the research findings in the interviews, surveys and the resulting recommendations that were made throughout this report. The following recommendations were put forward by the Treaty #3 members.

**RECOMMENDATIONS:****Funding**

Funding from INAC is inadequate and negatively impacts student success rates of First Nation students.

**5.1** It is recommended that Grand Council Treaty #3 lobby for equitable funding for the Treaty #3 schools. The Treaty #3 schools are mandated to implement the provincial curriculum and are expected to adhere to the same standards and produce the same outcomes with inadequate funding.

**5.2** It is recommended that Grand Council Treaty #3 lobby for the continuance of the post-secondary education program under First Nation administration/jurisdiction as a Treaty right.

**5.3** It is recommended that First Nation partnerships are created and that the First Nations need to commit as a group to fund and support new initiatives through independent funds and sources of revenue such as Casino Rama funds.

### **Language**

Anishnaabemowin is a priority in Treaty #3. Ojibway language teachers still have to 1) develop the curriculum, 2) create resource materials and 3) teach Anishinaabemowin. The Cultural Centre does not produce or provide language materials, cultural resources or supports for the Treaty #3 schools.

**5.4** It is recommended that a Language Institute/Facility is developed. Language is the key for the survival of Anishnaabemowin and a facility for language immersion programs; curriculum and resource development would facilitate this.

**5.5** It is recommended that Anishinaabemowin be taught at the daycare level.

**5.6** It is recommended that fluent Native Language Instructors are officially recognized as qualified teachers by the provincial schools.

**5.7** It is recommended that Native language classes be extended for longer periods to provide increased quality of learning.

- 5.8** It is recommended that a Native Language Curriculum is developed for all schools in the Treaty #3 area to ensure continuity from grade to grade and from school to school.
- 5.9** It is recommended that Native Language teachers be provided with more resources and supplies in order to provide quality education.
- 5.10** It is recommended that Traditional Ceremonies be used to lead the nation and provide direction.

### **Political Advocacy**

The support from the Grand Council Treaty #3 is needed to strengthen the education system for First Nation students in Treaty #3.

- 5.11** It is recommended that Grand Council Treaty #3 attend education gatherings to understand the challenges that affect the Treaty #3 schools and students.
- 5.12** It is recommended that Grand Council Treaty #3 lobby to have Government recognize education as a treaty right for Treaty #3. The issues that affect Treaty #3 should be decided by the Treaty #3 leadership and not by Chiefs of Ontario for INAC.

**Treaty 3 School Board or Resource Centre**

The Treaty #3 education system needs to be identified and the Treaty #3 education laws should be drafted. The development of a common curriculum based on language and culture; educational policies; standards and outcomes; and tuition agreements are necessary.

- 5.13** It is recommended that Grand Council Treaty #3 lobby for funding to develop a Treaty #3 School Board or Education Resource Centre that will provide specialist services and supports to the Treaty #3 schools and communities. The Treaty #3 schools work in isolation and require professional development for their teachers and administrators; the development of a traditional curriculum based on language; and to coordinate education and language gatherings for the Treaty #3 educational stakeholders.
- 5.14** It is recommended that one of the empty schools be purchased so that the Treaty #3 students can have their own school in town.
- 5.15** It is recommended that classes in history, geography, and other courses incorporate the teaching of the treaties, the Indian Act and their significance to all First Nations.
- 5.16** It is recommended that mental health issues be addressed in the school system and that it be included in the curriculum.
- 5.17** It is recommended that social issues such as child abandonment and family violence be addressed to help improve the education of Treaty #3 children.
- 5.18** It is recommended that family violence be addressed in the school system and that it be included in the curriculum.

## **Special Education**

The current revised funding formula does not meet the special education needs in the Treaty #3 schools.

It costs \$32,000 over and above the regular tuition rate of \$14-16,000 for a special needs First Nation student attending an off-reserve school. Tuition Agreements with public/Catholic schools may not ensure that the proper services and supports are provided to the Treaty #3 students.

**5.19** It is recommended that Grand Council Treaty #3 lobby to change the current funding formula for Special Education. The Treaty #3 schools lost 3 million in Special Education funding the first year the funding formula was implemented. The current formula does not meet the special education needs of Treaty #3 students.

## **6. CONCLUSIONS AND RECOMMENDATIONS**

### **6.1 Conclusion**

Although many improvements have been made in First Nation education in the past 37 years since *Indian Control of Indian Education* was released and recommendations were implemented, several issues in the Treaty #3 First Nation education have remained the same: inadequate funding by INAC, a mandated provincial curriculum; low high school graduation rates; low academic achievement; problems with teacher recruitment and retention primarily due to low salaries; Special Education needs not being met; Ojibway language and culture is not prioritized and not being learned; a high volume of students still commute long distances to attend provincial schools; lack of second level services; and lack of jurisdictional control.

These outstanding issues are directly attributable to the federal government's colonial policies in the education of First Nation children. In 2009, First Nation parents are the only group of parents in Canada who still do not have a voice in the education of their children. INAC determines the amount of funding. INAC determines if a school will be built on the reserve. INAC determines what curricula will be taught. INAC determines the amount of special education funding and types of services. INAC determines every aspect of First Nation education and INAC has failed and continues to fail in its approach.

The limitations of First Nations education reform highlights that without the federal, provincial, and First Nations political will, alternative models of First Nation education will not be considered or realized. The MNMG (2002) states, "A multitude of reports and studies have been consistent in their recommendations concerning First Nation education. First Nations must have the resources and the means to design, develop, and deliver life-long learning education on-and off-reserve" (p. 2).

The development of a long term strategic plan that will address the gaps in the Treaty #3 education systems is critical. Poverty Watch Ontario states, "If you work at minimum wage you live in poverty... Poverty stems from the lack of good job opportunities, the loss of good-paying jobs, and discrimination in the workplace. Relying on social assistance guarantees that you live in poverty. The rules and conditions for many social service programs are limiting and oppressive." Education provides hope and the opportunity to become financially independent.

Education not only advances the acquisition of knowledge that transforms people, but also incites action that can alter the course of communities and entire nations (Whitehead, 2008). Whitehead adds, "When knowledge gained through education is unleashed in meaningful and positive ways, it creates actions that can change the course of history for the better and improve people's lives" (p.294).

## **6.2 Summary of Recommendations**

The following provides a summary of the recommendations that appear in the body of the report in Section 4. Each recommendation corresponds to a specific area of the needs assessments.

### **Treaty 3 Education Overview**

4.1.1 It is recommended that Grand Council Treaty #3 immediately call for a meeting with the Minister of Indian Affairs and the Provincial Minister of Education to discuss the findings from the needs assessment report and the strategies that Grand Council Treaty #3 would like to address and that all three parties are aligned to support positive outcomes for the Treaty #3 students in all jurisdictions.

### **Funding**

4.2.1 It is recommended that Grand Council Treaty #3 address the disparities in funding which are based on the nominal roll between on-reserve schools and provincial schools with the federal government, to determine what additional criteria and formulas are being applied to each jurisdiction for the provision of education for the Treaty #3 First Nations' students; and then identify a joint course of action to address the disparities prior to the 2010-2011 school year.

4.2.2 It is recommended that Grand Council Treaty #3 select a representative that can commit to providing responsible representation in each of the three district school boards that the majority of the Treaty #3 students attend; then provide a letter to each of the District School Boards naming their representative who will assist in the accountability for positive educational outcomes for the Treaty #3 First Nations' students; and request a meeting to discuss the logistics of formal implementation of the Treaty #3 representation on their respective boards.

### **Teacher Salaries**

- 4.3.1 It is recommended that Grand Council Treaty #3 address the funding disparity in salaries for teachers in the Treaty #3 on-reserve schools with Indian and Northern Affairs Canada and resolve the disparity by the 2010-2011 school year.
- 4.3.2 It is recommended that Grand Council Treaty #3 support their local education authorities/school boards to ensure that appropriate teacher salary scales are in place which would support the Chiefs' negotiation process for bringing federal education dollars at par with provincial school teacher salary scales.

### **Professional Development**

- 4.4.1 It is recommended that Grand Council Treaty #3 negotiate annual regional professional development sessions for on-reserve teachers that would make provision for teachers to receive the required accredited professional development training to support the teaching and learning in the Treaty #3 on-reserve classrooms.

### **Libraries**

- 4.5.1 It is recommended that Grand Council Treaty #3 support the local education authorities/school board to recruit teachers with specialized training in the library sciences which would assist in implementing a plan for a fully functioning library in each of the schools.
- 4.5.2 It is recommended that Grand Council Treaty #3 incorporate a library training workshop for the proposed regional professional development sessions for on-reserve teachers.

### **Technology**

- 4.6.1 It is recommended that Grand Council Treaty #3 support education authorities/school boards to ensure that the teachers who are being hired for on-reserve schools possess the necessary basic computer technology skills for use in the classroom.

- 4.6.2 It is recommended that Grand Council Treaty #3 ensure that on-reserve schools have access to resource people who are able to address basic computer technology maintenance and infrastructure design issues.

### **Special Education**

- 4.7.1 It is recommended that Grand Council Treaty #3 remain closely involved in the OFNSEWG evaluation of the High Cost Special Education Program for Ontario and utilized the findings of the evaluation to enhance an accountability mechanism for funding the range of special education needs among students attending on-reserve and provincial schools; and to address the apparent funding disparities that exist between the two jurisdictions.
- 4.7.2 It is recommended that Grand Council Treaty #3 establish a second and third level service delivery and support unit to address the multiple issues related to Special Education assessments, funding, placements, and programming; in addition to the other related recommendations contained within this report.

### **Language**

- 4.8.1 It is recommended that Grand Council Treaty #3 support the accreditation and certification of Ojibway language teachers/instructors by entering into discussions with a post-secondary institution and the Province of Ontario.
- 4.8.2 It is recommended that Grand Council Treaty #3 mandate the local education authorities/school boards' to develop and implement an Ojibway Language Program that focuses on oral fluency and proficiency, with an oral literacy requirement.

### **Curriculum**

- 4.9.1 One of the recommendations from the needs assessment study is the development of a Treaty #3 curriculum that is grounded in First Nation philosophies, language and traditions. The graduation rates for the Treaty #3 students are low and studies show that the lack of a strong intact First Nation identity seems to contribute to the low level of

academic success in high school. The implementation of a Treaty #3 curriculum would help in the development of strong identities and possibly increase the retention and graduation rate of Treaty #3 students.

- 4.9.2 The recommendation for an urban Treaty #3 school ties in with the recommendation for the development and implementation of a Treaty #3 curriculum. These recommendations provide an opportunity to improve the educational experiences and academic outcomes of Treaty #3 students.

### **Elementary and Middle School**

- 4.10.1 It is recommended that Grand Council Treaty #3 address the issue of commuting to provincial schools and its overarching impact on the children's quality of life, health and wellness, and quality of education, as part of the tripartite meetings with federal government and provincial government, with a view to advocate for local elementary community schools.

### **Secondary School**

- 4.11.1 It is recommended that Grand Council Treaty #3 continue to support the 7 Generations Institute model which provides access to secondary education to First Nations' students in their home communities, as an alternative program, until a high school is built in their home community; after which time the program model can be fully implemented in the individual community schools.

### **Early Childhood and Day Care**

- 4.14.1 It is recommended that Grand Council Treaty #3 consider a separate in-depth study into early childhood programs and daycare centers in the Treaty #3 communities which would include an evaluation component to determine the effectiveness and needs of the current programs and centers.

4.14.2 It is recommended that the Treaty #3 schools work with the local daycare centers to develop a curriculum or learning opportunities that will provide a smooth transition into formal schooling experiences when they begin Junior Kindergarten.

### **School Structures**

4.15.1 It is recommended that the Grand Council Treaty #3 provide the political advocacy for Ojibway Heritage School in Shoal Lake #40 to have the sewage contamination under the school removed and the school's plumbing system refurbished to help maximize the safety and learning of the Treaty #3 children in their own school.

4.15.2 It is recommended that Grand Council Treaty #3 provide the political advocacy for Wabsnki-Penasi School in Wabigoon First Nation for increased funding to have the school's heating system refurbished; and or

4.15.3 It is recommended that the Grand Council Treaty #3 provide the political advocacy for Wabsnki-Penasi School in Wabigoon First Nation for the establishment of a new school that will include a gym and a library and other amenities.

### **Post-Secondary**

4.16.1 It is recommended that Grand Council Treaty #3 negotiate to remove the cap on post-secondary funding and to increase the funding to levels that are consistent with the current cost-of-living and current tuition costs. An increase in post-secondary funding is required to raise the amount of student allowances above the poverty level and to provide an opportunity for all students to access a post-secondary education.

### **Identified Gaps**

It is recommended that Grand Council Treaty #3 conduct in-depth research studies in Early Childhood Education; high school graduate's success strategies; post-secondary graduate's success strategies; identification of gifted students and the development and implementation of a gifted student's program; second language programs that result in

second language oral fluency; and best practices in the administration of schools and education programs.

### **Priority Implementation Recommendations**

It is recommended that Grand Council Treaty #3 identify an Education Task Committee composed of representatives from the Grand Council Treaty #3 Office to act on the recommendations in this report beginning with the following immediate priorities:

1. Developing a proposal, within one month of the report being tabled at Grand Council Treaty #3 in Assembly, that would:
  - (a) identify specific second and third level education support services that would support the implementation of the recommendations at the First Nation community schools level;
  - (b) identify the initial level of resourcing that will need to be accessed to support the implementation of the first phase of the second and third level education support services;
2. Calling for an initial tripartite meeting with the appropriate Treaty #3 First Nations, federal and provincial government authorities, within one month of the report being tabled at Grand Council Treaty #3 Chiefs-in-Assembly, to discuss the findings of the Needs Assessment and the Treaty #3 First Nations desire to work together to address all the recommendations. If a tripartite meeting cannot be arranged within this timeframe, it recommended that the Treaty #3 First Nations representatives meet with each authority, and set a tripartite meeting.

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## APPENDIX A

### **LITERATURE REVIEW & RESEARCH ON HISTORY OF FIRST NATIONS EDUCATION HISTORICAL OVERVIEW**

This section of the report highlights the residential school system and its impact, a brief overview of *Indian Control of Indian Education*, major research documents that followed *Indian Control of Indian Education*, and a description of the key initiatives that have been developed to improve the education of First Nation students. It provides a context for the Treaty #3 First Nations education on a national level.

#### **1. Residential School System and its Impact**

*If there has been a central pillar to the Government of Canada's policy toward First Nation people, it has been the goal of assimilation (Gibbons, 1997).*

Initially day schools were established on reservations; however, they were short-lived as they had little impact in terms of assimilating the First Nation children. What is now viewed as the most insidious assimilation strategy was the establishment of the residential school system. The schools were funded by the government while the Christian denominations managed, administered, supervised and instructed the children. The objective was to civilize, Christianize, and educate First Nation children, and the means to carry out this objective was violent. The church and state used force to remove generations of young children from their parents and left the children in these institutions. There were very few children left behind for the parents and elders of the community to pass along the cultural traditions, beliefs, values and customs. Having no recourse to the actions of the church and state, the people were rendered helpless and eventually hopeless.

To assimilate the children into the dominant culture, the educators devalued First Nation cultures, knowledge, languages, beliefs, customs and practices. The children were abused

verbally as the educators, nuns, or priests referred to them in derogatory terms such as “savage, pagan, lazy, dirty and evil” when they could not conform to the desired expectations. The children were physically abused for speaking their own language, and there was also emotional and sexual abuse. The abuse remained constant and slowly affected the children’s self-esteem, self-respect, self-worth, and self-image. The children internalized this derogatory treatment and were affected to such a degree that they were ashamed to be ‘Indian’ and many grew up to hate themselves, and their ‘Indian.’ culture.

The formal schooling experiences of First Nation children centered on rote learning and religious instruction. There were no opportunities for discussion or questions. Silence pervaded the classrooms and the children became silent, obedient and submissive as the students were fraught with tension and fear. Although all the students were not physically punished, the majority of the students of residential schools experienced public humiliation or ridicule. The residential schools do not exist any longer; however, only First Nations have been subject to this insidious assimilation strategy and they deserve to have their own reformed educational system that will specifically address the harm that has been done.

The assimilation of First Nation people into the structure and culture of the dominating society has been a long, slow, multi-dimensional process and a destructive painful experience for First Nations. The traditional governing structures, economic livelihood, and social institutions have been virtually destroyed. The cultural and psychological approaches to health, childcare, education, and justice also have been severely impacted through the inflexible policies of assimilation. High rates of poverty, unemployment, family dysfunction, alcoholism, violence, drug abuse and suicide are just a few of the issues that characterize many of the experiences of First Nation people. This experience has contributed to prolonged feelings of helplessness and hopelessness as each attempt by First Nations to improve their situation or salvage what remains of the structure and culture of their societies has been blocked by the introduction of new legislation, policy or practice. The political, economic, social, and cultural subjugation of First Nation people has been well documented, but no force has been more effective in oppressing First Nation people than the educational system.

## 2. White Paper Policy 1969

In 1969 the Canadian government produced and issued the *Statement of the Government of Canada on Indian Policy 1969*. The White Paper contained strong policies that were designed to abolish the special status of First Nations people and the assimilation of First Nation children would be achieved through integration in the mainstream, provincial education system. The First Nations responded to the White Paper by uniting as the National Indian Brotherhood (now the Assembly of First Nations). The response included the first effort for education reform by First Nations which resulted in two foundational documents *Wabung: Our Tomorrows* and *Indian Control of Indian Education*. *Wabung: Our Tomorrows* was authored by the Manitoba Indian Brotherhood in 1971 and contributed to the groundwork for *Indian Control of Indian Education* by the National Indian Brotherhood in 1972. In ICIE the First Nations stated that integration was not really integration but rather a one-way process. “In the past, it has been the Indian student who was asked to integrate: to give up his identity, to adopt new values and a new way of life” (p.25). MIB and NIB addressed the challenges in First Nation education and produced cutting edge documents for First Nation education, *Wabung: Our Tomorrows* and *Indian Control of Indian Education*.

## 3. *Wabung: Our Tomorrows 1971 and Indian Control of Indian Education 1972*

In *Wabung* eight themes dominated the educational concerns of First Nations: Administrative Control, Education Programs for Indian Teachers and Teacher-Assistants, Introduction of Native Languages, Adult Education Programs, Cross-Cultural Training for non-Indian Teachers, Parental Involvement, Inclusive Curriculum, and Educational Facilities. As residential schools closed, the trend was the enrolment of more and more First Nation students into the provincial school system. However, only 10% of First Nation students were graduating with a high school diploma compared to 90% for Manitoba non-First Nation students. MIB stated:

*Very often, attendance in high school means a move away from home, often to towns and cities. Students face the problem of adjusting to a different society and facing the loneliness of being away from loved ones.*

*They must adjust to schools which, compared to their community schools, are enormous and impersonal. They must adjust to the system of moving from room to room meeting teacher after teacher each of who know little about him.*

*He is suddenly expected to compete with students who have lived in the area all their lives and know English well. He is expected to participate but may be embarrassed to do so because of his lack of English or embarrassment at his accent. It isn't long before he begins to appear rather stupid to his fellow classmates. He realizes this and withdraws even further. The rest of the story is simple: frustration, loneliness, truancy, drop-out (p.107).*

In *Indian Control of Indian Education* the National Indian Brotherhood provided several recommendations for improving the academic achievement and high school graduation rates of First Nation children. The recommendations in 1972 included administrative control, education programs for First Nation teachers and teacher-assistants, introduction of Native languages, adult education programs, cross-cultural training for non-First Nation teachers, parental involvement, inclusive curriculum and improved or additional educational facilities. The major themes were categorized under four headings; 1) responsibility, 2) programs, 3) facilities, and 4) teachers.

Essentially, *Indian Control of Indian Education* stated that First Nations should control education for First Nations not the federal government. The document stressed that the foundation for education jurisdiction was based on parental responsibility and local control. The vision for education was highlighted by the recommendation for the eventual complete sovereignty for First Nation education by First Nations. ICIE stipulated that any transfer of jurisdiction to the provincial governments would require consent by First Nations. The federal government agreed to the terms in principle; however, Indian Affairs still maintains financial control and demands adherence to its policies.

#### **4. Tradition and Education: Towards a Vision of our Future**

Since the release of *Indian Control of Indian Education*, [ICIE] several studies have been conducted by many organizations on First Nation education. A review of ICIE recommendations by Assembly of First Nations [AFN] was conducted in 1988. The AFN released *Tradition and Education: Towards a Vision of our Future* and provided recommendations in four major areas: jurisdiction, management, quality of education and education resources.

The four-volume report reiterated the ICIE recommendation for jurisdiction over education and that First Nation educational jurisdiction be recognized and protected via a constitutional amendment in the Charlottetown Accord or alternatively, through federal legislation that would unequivocally recognize First Nations inherent right to education. The recommendation stated:

This legislation would recognize the right of First Nations to exercise jurisdiction over their education and mandate federal, provincial and territorial governments to vacate the field of First Nations education. No delegation of authority over education to First Nations is acceptable as a substitute for First Nations jurisdiction recognized and affirmed in the Constitution of Canada (Assembly of First Nations, 1988, Vol. 1, p.67).

The failure of the Charlottetown Accord also included the failure of the federal government to legislate the alternative recommendation of recognizing First Nations inherent right to educational jurisdiction.

#### **5. McPherson Report on Tradition and Education**

In 1991 Indian Affairs responded to the Assembly of First Nations report with the *McPherson Report on Tradition and Education*.

The report examines four key areas of jurisdiction, quality of education, management, and resourcing for First Nations education. A total of 54 recommendations were tabled along with an Implementation Strategy.

The key recommendations arising from the AFN report in the four main areas include:

- Jurisdiction - Recommendation for the federal government to give up their administrative and policy function and focus only on their funding role;
- Quality - Recommendation for aboriginal languages to be taught in all schools that First Nations attend, and that First Nations have jurisdiction over curriculum development;
- Management - Recommendation for new policies that would give First Nations more control over their education funding;
- Resourcing - Recommendation that INAC address the funding formulas and levels so that they are equal to provincial and territorial standards.

Several of the recommendations in this report support the findings of the Treaty #3 Needs Assessment (2009). Although it is twenty-one years later, it is unfortunate the state of First Nations education in Canada reported on in 1998 remains the same today in many of our First Nations communities in the Treaty #3 territory. These conditions apply equally to our First Nations students in their home community schools and in the provincial schools they attend. There remains a critical need to address the very basic education needs of the children in the Treaty #3 territory.

## **6. Royal Commission on Aboriginal Peoples**

The Royal Commission on Aboriginal Peoples asked the question: “Why, with so many sincere efforts to change the quality of Aboriginal education, have the overall results been so disappointing?” (RCAP, 1996). In 1996, the Royal Commission on Aboriginal Peoples [RCAP] provided recommendations for First Nation education.

This report is one of the most extensive research undertakings in recent history that resulted in 440 recommendations and an implementation strategy that called for a renewed relationship between First Nations and the Government of Canada. A significant shift in reporting was a recognition that change would require new legislation, and an investment of significant resources.

Education as a lifelong journey is specifically addressed in Chapter 5, Volume 3: *Gathering Strength* (1996) with forty-four recommendations. This report was the impetus for the Government of Canada's response in 1998 that became known as *Gathering Strength: Canada's Aboriginal Action Plan*. This document outlined a framework for government to work with Canada's Aboriginal Peoples to address the issues and recommendations raised by the RCAP Report. It also provided the basis for further refinement of the Action Plan through the Assembly of First Nations. The report also led to the development of the Federal Interlocutor for Metis and Non-Status Indians.

Many of these recommendations address the findings of the Treaty #3 Education Needs Assessment, particularly in key areas related to the provision for local schools in the students' home communities (p487), curriculums respectful and reflective of First Nations peoples (p463), and engaging First Nations parents and students in provincial schools that they attend (p471-472).

## **7. Gathering Strength: Canada's Aboriginal Action Plan**

Indian Affairs responded to RCAP's study in 1998 with *Gathering Strength: Canada's Aboriginal Action Plan*. Subsequent reviews of Canada's Aboriginal Action Plan have been conducted and more recommendations have been made.

The Canadian government's response to the Report of the Royal Commission on Aboriginal Peoples (RCAP) was the *Gathering Strength: Canada's Aboriginal Action Plan* released January 1998. The plan addresses four key areas: (1) renewing partnerships; (2) strengthening Aboriginal governance; (3) developing a new fiscal relationship; and (4) supporting strong communities, people and economies (Hurley and Wherrett, Parliamentary Research Branch, PRB 99-24E, October 1999). The tone of the action plan was very conciliatory, in that it began with a Statement of Reconciliation acknowledging the past historical injustices of Canada's Aboriginal peoples and then provided a Statement of Renewal or commitment to a renewed relationship working in partnership.

As the plan was implemented several new initiatives were announced and additional funding made available over time to address the RCAP findings and recommendations. Although the Gathering Strength initiative came to a close March 2003, there has remained ongoing funding from INAC to support the ongoing implementation of the commitment made in 1998. In 2008, INAC launched a new initiative called *Reforming First Nations Education Initiative*, an initiative intended to support education outcomes for First Nations students (Education Programs, INAC Website).

The Auditor General's Report released in 2005 showed that little progress has made with the education of First Nation students on or off the reserve.

### **8. Auditor General's Report 2005**

There is very little progress in closing the gap in high school graduation rates between First Nations and non-First Nation populations in Canada. There are almost 120,000 First Nation students enrolled in Kindergarten to Grade 12 on reservation schools in Canada and only 32% graduate from high school. This results in 68% of school-age children having less than a high school education among the First Nation population. With these statistics, the Auditor General of Canada estimates that it will take approximately 28 years for the First Nation population who live on reserves to reach parity in academic achievement with the general population in Canada. These statistics from INAC do not include the numbers of First Nation students who have to attend provincial schools and do not graduate with a high school diploma.

First Nations constitute 60% of the Aboriginal population and are part of the fastest growing cultural group in Canada. First Nation's youth will represent a significant and increasingly large segment of Canada's labor force; however, without a high school diploma they will likely remain unemployed or underemployed. The employment prospects for First Nations young people will be almost nonexistent as the Conference Board of Canada in 1998 estimated that for half of the jobs created in Canada a high school diploma will become the bare minimum for employability. The Ministers National Working Group on Education stated that the low level of academic achievement emphasizes the urgent need to reform First Nations education and increases their

concerns over the critical state of First Nations education. The Working Group add that the majority of First Nations high school students attend Canada's provincial public high schools; however, the education systems on or off the reservations, do not meet the needs of First Nation students.

**9. Indian and Northern Affairs Canada. (2005). Education Action Plan: In Response to the Auditor General's observations and recommendations Chapter 5 of the November 2004 Report, April 2005. (20p).**

In April 2005, INAC issued their Education Action Plan as a response to the Auditor General's Report of November 2004 respecting First Nations education as a progress report on the Gathering Strength initiative. The action plan made a commitment to begin working on developing a First Nations Education Policy Framework and a First Nations Education Management Framework. It essentially covered five areas: (1) strategy and action plan; (2) roles and responsibilities; (3) funding; (4) accountability; and (5) performance measurement, monitoring and repo

**10. Assembly of First Nations. (2005). First Nations Education Action Plan (10pp).**

Following the announcement of the INAC Education Action Plan (April 2005), the AFN developed a response document entitled *AFN First Nations Education Action Plan* (May 2005) which is grounded in two key concepts: recognition of First Nations inherent jurisdiction over education and the need to sustain First Nations education systems through stable long term funding. The plan proposes a strategy to stabilize the current education situation while working toward 'positive transformative change' (Ibid,p.4) that serve to empower First Nations to fully implement local control of their education systems. The action plan identifies four key strategy areas:

- (a) Implementation of First Nations Education Systems through the recognition of First Nations inherent right to exercise their jurisdiction in all facets of life, including education.

- (b) New Funding Based on Real Cost Drivers that support First Nations full development and implementation of their education systems inclusive of ‘curriculum development, specialized services, assessment, and other second and third level education services’ (Ibid, p6). These would include funding based on actual costs proportionate to First Nations population increases, and be representative of First Nations size, location, and socio-economic status. Immediate areas to be addressed are the Band Operated Funding Formula, cultural and languages programming, special education, First Nations schools, teacher salaries, post secondary education, support for First Nations Institutions of Higher Learning, and the elimination of the taxation on post secondary assistance (Ibid,p7).
- (c) Information and Research Capacity to support the capacity of First Nations for information and data management and research.
- (d) Coordination & Interface of a New Approach that supports an enhanced working relationship between the parties involved in supporting positive outcomes First Nations students who attend provincial schools. The parties that must work together include the First Nations, provincial ministries, school boards/divisions, and schools.

The release of this document and the ongoing dialogue between INAC and AFN resulted in a joint working relationship to support the development of a First Nations Education Policy Framework.

The AFN First Nations Action Plan (2005) provides a good chronology of developments in education and provides a report card on the condition of First Nations education as of May 2005 which was identified as unacceptable. These findings are also mirrored in the 2009 findings and recommendations arising out of the Treaty #3 Education Needs Assessment.

## **11. Early Childhood Education**

In a study conducted by the Assembly of First Nations (2008), the results showed that 1 in 4 First Nation children live in poverty; 1 in 8 are disabled; one-third live in overcrowded conditions; 1

in 30 live in homes without hot or cold running water or flushing toilets; 1 in 3 live in communities with unsafe drinking water; mould contaminates 50% of First Nation homes; and many live in households with 50% unemployment or in households (80%) that have low-level income. The living condition of many First Nation children places them at-risk for low academic achievement, health difficulties, emotional problems and mental disorders.

The table below provides a brief description of the factors related to children who are at risk.

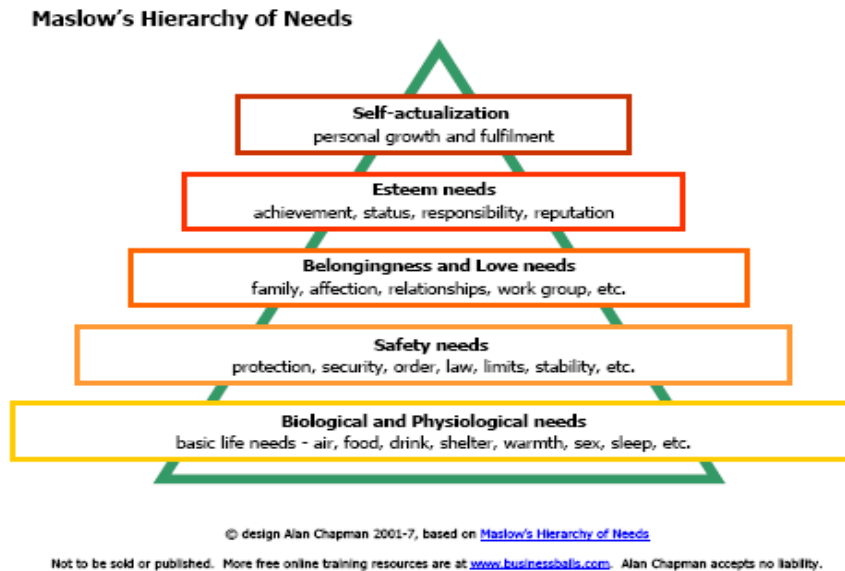
Factors Related to Children Who are At-Risk

FACTOR	DESCRIPTION
Parent Characteristics	Psychological disturbance; alcohol and drug abuse; history of abuse as a child; belief in harsh physical discipline; unreasonable expectations for child behavior; low educational level
Child Characteristics	Premature or very sick baby; difficult temperament; inattentiveness and over-activity; other developmental problems
Family Characteristics	Low income; poverty; homelessness; marital instability; social isolation; physical abuse of mother by husband or boyfriend; frequent moves; large families with closely spaced children; overcrowded living conditions; disorganized household; lack of steady employment; other signs of high stress
Community	Characterized by violence and social isolation; few parks, childcare centers, preschool programs, recreation centers, or churches to serve as family supports

(Berk, 2007)

Participants in the Treaty #3 research study stated that poverty and instability at home prevent students from achieving their full potential. The participants added that the schools cannot fulfill all the needs of the children and that the parents have to take a more active role in the education of their children. The children's physiological and emotional needs have to be met to ensure the foundation for learning is solidified, not only in early childhood but also in elementary and secondary education.

A model based on Maslow's Hierarchy of Needs offers a holistic approach that can help to improve First Nation education. Research studies indicate that reading and or math kits or remedial programs are useless when students are not prepared to learn. The basic needs are at the bottom of the hierarchy and top shows potential achievement.



### **Biological and Physiological Needs**

These are biological needs. They consist of needs for oxygen, food, water, and a relatively constant body temperature. They are the strongest needs because if a person were deprived of all needs, the physiological ones would come first in the person's search for satisfaction.

### **Safety Needs**

When all physiological needs are satisfied and are no longer controlling thoughts and behaviors, the needs for security can become active. Adults have little awareness of their security needs except in times of emergency or periods of disorganization in the social structure (such as widespread rioting). Children often display the signs of insecurity and the need to be safe.

**Needs of Love, Affection and Belongingness**

When the needs for safety and for physiological well-being are satisfied, the next class of needs for love, affection and belongingness can emerge. Maslow states that people seek to overcome feelings of loneliness and alienation. This involves both giving and receiving love, affection and the sense of belonging.

**Needs for Esteem**

When the first three classes of needs are satisfied, the needs for esteem can become dominant. These involve needs for both self-esteem and for the esteem a person gets from others. Humans have a need for a stable, firmly based, high level of self-respect, and respect from others. When these needs are satisfied, the person feels self-confident and valuable as a person in the world. When these needs are frustrated, the person feels inferior, weak, helpless and worthless.

**Needs for Self-Actualization**

When all of the foregoing needs are satisfied, then and only then are the needs for self-actualization activated. Maslow describes self-actualization as a person's need to be and do that which the person was "born to do." "A musician must make music, an artist must paint, and a poet must write." These needs make themselves felt in signs of restlessness. The person feels on edge, tense, lacking something, in short, restless. If a person is hungry, unsafe, not loved or accepted, or lacking self-esteem, it is very easy to know what the person is restless about. It is not always clear what a person wants when there is a need for self-actualization.

The hierarchy of needs shows that children need their breakfast, lunch and supper daily. If they are hungry, they will not be able to focus on learning in school. Children also need to feel safe at home and at school to enable learning. Security at home includes structure such as regular meals, regular bedtime, and parental support. Parental support involves waking with the children and providing breakfast to get them ready for school. Security involves stability and safety at home.

Research studies have established that early childhood education programs have long term benefits only when high quality developmental programs are applied. High quality programs

have curriculum that is based on child development and the curriculum has to be supported by the administrative leadership. In addition, qualified teaching staff, parents as partners, and small classes with a teacher and teacher-aide is required for successful outcomes.

## **APPENDIX B**

### **TREATY #3 BACKGROUND AND THE INDIAN ACT**

The Anishinaabeg know that the oral histories are not to be underestimated as being inferior to written history, because written histories can be tainted or inaccurate or as biased as any writer of the text. The Anishinaabeg relied on oral record keeping. Simon Dawson warned the government officials that they must “observe extreme caution in what is said, as, though they have no means of writing, there are always those present, who are charged to keep every word in mind”( Dawson, Simon J. *Report on the Exploration of the Country Between Lake Superior and the Red River Settlement*. (Toronto: Lovell, 1859) p. 28.). He went on to inform “on one occasion, at Fort Frances, the principal Chief of the tribe commenced an oration, by repeating, almost verbatim, what I had said to him two years previously”. (Dawson, Simon J. *Report on the Exploration of the Country between Lake Superior and the Red River Settlement*. (Toronto: Lovell, 1859) p. 28.)

- Treaty Negotiations

When Canada acquired title to the North-West territories from the Hudson’s Bay Company in 1869, the federal government of Canada determined to open a passage route to the Red River, which meant having to deal with the Anishinaabe lands west of Lake Superior (Daugherty, Wayne E. *Treaty Research Report: Treaty Three (1873)*. (Ottawa: Indian and Northern Affairs Canada, 1986) at 1)

The Anishinaabeg were comprised of bands varying in numbers, mostly based on kinship groups. They followed a seasonal cycle of congregating in the summer along waterways where they hunted beaver and small game, fished for pike and pickerel, and engaged in social activities. In autumn, the Anishinaabeg fished trout and sturgeon, and harvested the wild rice that was abundant in their lands. (*Canada Sessions Paper [CSP]*, 1872, #22, Joseph Howe, Report of the Indian Branch of the Department of the Secretary of State for the Provinces, Volume 7, at 2).

The government officials' reports, documents and correspondence of events surrounding negotiations of Treaty No. 3, signed 3 October 1873, probably best describe the political strength and pride the Anishinaabeg possessed. The government of Canada had intended as early as 1869 to negotiate a treaty with the Anishinaabeg; however, it took four years to negotiate this treaty because the Anishinaabeg stood their ground in terms of what they wanted in return for a treaty. In fact, the leaders presented their original terms for a treaty to the first negotiators in 1869 and this was their starting position for negotiations. (Provincial Archives of Manitoba MG12 B1, Demands made by Indians on the day of September 1873 as their terms for treaty)

In 1869, Simon Dawson noted in his notes that the Saulteaux Indians were less amenable to attempts of conversion by the missionaries, and were proud of what they perceived to be an honorable past, going further to warn the government that the Anishinaabeg were sufficiently organized and warlike and dangerous if disposed to hostility (Canada Session Paper [CSP], 1869 #42, Simon Dawson, Report on the Line of Route between Lake Superior and the Red River Settlement at 13). This government official recognized the Anishinaabeg had an organized society, and were intent on retaining their own ways because they were proud of whom they were and what they stood for; they did not feel that they were an inferior race that needed to be converted or assimilated.

The Anishinaabe emphasized during their negotiations in 1873 with Lieutenant-Governor Morris that the land was Indian country and not the white man's (Morris, The Honourable Alexander. *The Treaties of Canada with the Indians*. (Toronto: Belfords, Clarke & Co., 1880) at 48). The Anishinaabeg only agreed to negotiate with Alexander Morris once he informed them that he came as the Queen's representative (Canada Sessional Papers. No. 22. 1871. Letter to the Secretary of State from Joseph Howe dated April 17, 1871), because the Indians needed to believe they were dealing with someone with authority by the Queen and a representative of the government of Canada to deal with the issue of land regarding the need for passage for the new settlers.

On the third day of negotiations, one chief expressed his concern that, should the promises of the treaty not be honoured, he believed that, as chief, he would have the power to put those

responsible for neglecting to fulfill the terms of their treaty in prison (Morris, The Honourable Alexander. *The Treaties of Canada with the Indians*. (Toronto: Belfords, Clarke & Co., 1880) at 72). Governor Morris promised the chief that the treaty promises would be honoured and the Queen would ensure to hold those responsible for failing to meet treaty obligations.

A summary of the strict reading of the written treaty by the governments is outlined as follows (Province of Manitoba. *Aboriginal Justice Inquiry Report*. (Winnipeg: Queen's Printer, 1991) at 147-148):

- 1) Although the transfer of sovereignty over Indians from the Indian tribes to the Crown, the treaty refers to the Indians as subjects, which the federal government has relied upon as the recognition of a transfer of allegiance and sovereignty, while at the same time, recognizes the existing political order of the chiefs;
- 2) The Indians were said to have ceded, released and surrendered and yielded the land to the Crown forever worded by lawyers, comparable to wording used in deeds conveying private land interests;
- 3) The sizes of the reserves were to be based on one square mile per family of five;
- 4) Schools were promised on reserves;
- 5) Reserves were established for the purposes of farming, where provisions for farm equipment and animals were promised;
- 6) Alcohol was banned from the reserves;
- 7) Hunting and fishing rights were promised on surrendered lands;
- 8) Annuity payments to the chiefs and band members; and,
- 9) The Government of Canada reserved regulatory authority but there was no reference to legislative authority or parliamentary supremacy. The treaty also allowed for the expropriation of reserve lands without federal legislation for due compensation if the reserve land was needed for public works.

Historians and scholars have consistently raised concerns with discrepancies with the written terms of the treaty. Joseph Nolin, who was hired by the Anishinaabeg to make a written record on their behalf, is recorded in what is now known as the Paypom Treaty. The Paypom Treaty, the newspaper *Manitoban's* account of negotiations, and the notes taken by Commission

Alexander Morris himself (Canada Sessional Papers [CSP], 1875, Lieutenant –Governor Morris to the Honourable Minister of the Interior. Second Session of the Third Parliament of the Dominion of Canada Session 1875 Volume 8 at 15), and the written terms of the treaty may not encompass what was actually agreed to by the Anishinaabeg in 1873.

Treaty Commissioner Alexander Morris, in his own notes of the negotiations, reported the Lac Seul Chief at the treaty negotiations as speaking to the right of education to for the Anishinaabeg:

“If you give what I ask, the time may come when I will ask you to lend me one of your daughters and one of your sons to live with us; and in return I will lend you one of my daughters and one of my sons for you to teach what is good, and after they have learned, to teach us.” (The Honourable Alexander Morris, P.C. *The Treaties of Canada with the Indians* (Toronto: Belfords, Clark & Co., Publishers, 1880), p. 63.

While the Canadian version of the Treaty No. 3, printed in Ottawa, promised:

“And further, Her Majesty agrees to maintain schools for instruction in such reserves hereby made as to Her Government of Her Dominion of Canada may seem advisable whenever the Indians of the reserves shall desire it.” (Coles Canadian Collection, Canada: *Indian Treaties and surrenders Vol. I.* (Ottawa: Queen’s Printer, 1891) p. 305.

Alexander Morris reported that notes of the negotiations as reported in the *Manitoba* on 19 October 1873, where Chief Ma-we-do-pe-nais was reported to have said:

“This is what we think, that the Great Spirit has planted us on this ground where we are, as you were where you came from. We think where we are is our property. I will tell you what he said to us when he planted us here; the rules that we should follow – us Indians – he has given us rules that we should follow to govern us rightly” (The Honourable Alexander Morris, P.C. *The Treaties of Canada with the Indians* (Toronto: Belfords, Clark & Co., Publishers, 1880), p. 59.)

The Anishinaabeg understood they had their laws and that their laws were given to them by the Creator and that they had a responsibility to follow them. Chief Ma-we-do-pe-nais may have been reminding the treaty negotiators that the laws of the Anishinaabeg were to continue governing them, and that it was not for the white man or the Anishinaabeg to decide - because it was already decided for them by the Creator.

The Anishinaabeg were recognized by the government officials of the day to be keen negotiators and very intelligent; and when expressing their concerns over their lands and their rights to maintain their livelihood, they should be given credit for recognizing that the future social and economic conditions of their people would depend on the degree and extent of the power they had to maintain.

## **LEGISLATION**

Section 91(24) of the *British North America Act 1867* (repatriated as the *Constitution Act, 1982*) holds that the federal government is responsible for First Nation people and lands, and the *Indian Act* (R.S.C. 1985, c1-5) sets out its provisions controlling education for the Indians. Section 114(2) of the *Indian Act* provides “the Minister may in accordance with this *Act*, establish, operate and maintain schools for Indian children”. Section 92 of the *Constitution Act* delegates the authority for education to the provinces and as such the First Nation students who attend schools off-reserve then fall under the provincial jurisdiction. The *Indian Act* provides First Nations may enter into tuition agreements with the appropriate school board when their children reside on-reserve but have to attend school off-reserve because the First Nation either lacks a school or appropriate grade level.

Education is a provincial government responsibility in Canada. In Ontario, education is governed principally by the *Ontario Education Act (R.S.O. 1990, Chapter E.2)* and its regulations. The *Ontario Education Act* and its regulations set out duties and responsibilities of the Minister of Education and the duties and responsibilities of school boards, school board supervisory officers, principals, teachers, parents and students. The calculation for the amounts of the tuition

agreements for the per-pupil cost for First Nation students residing on-reserve who attend the public schools is outlined in the *Education Act* regulations.

#### **Agreements re education of Indian pupils**

[188. \(1\)](#) A board may enter into an agreement with,

- (a) The Crown in right of Canada; or
- (b) A band or the council of the band or an education authority where such band, the council of the band or education authority is authorized by the Crown in right of Canada to provide education for Indians,

to provide for Indian pupils, for the period specified in the agreement, accommodation, instruction and special services in the schools of the board, and such agreement shall provide for the payment by the Crown in right of Canada, the band, the council of the band or the education authority, as the case may be, of fees calculated in accordance with the regulation governing the fees payable by Canada. R.S.O. 1990, c. E.2, s. 188 (1).

#### **Agreements re instruction in Indian schools**

[\(2\)](#) A board may enter into an agreement with,

- (a) The Crown in right of Canada; or
- (b) A band, the council of the band or an education authority referred to in clause (1) (b),

to provide for Indian pupils, for the period specified in the agreement, instruction and special services in schools provided by the Crown in right of Canada, the band, the council of the band or the education authority, as the case may be, and such agreement shall provide for the payment by the Crown in right of Canada, the band, the council of the band or the education authority, as the case may be, of the full cost of the provision of the instruction and special services. R.S.O. 1990, c. E.2, s. 188 (2).

#### **Agreements re accommodation for Indian pupils**

[\(3\)](#) A board may enter into an agreement with the Crown in right of Canada for a period specified in the agreement to provide for a payment from the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and the fees therefore shall be calculated in accordance with the regulations, but exclusive of expenditures for the erection of school buildings for instructional purposes and additions thereto. R.S.O. 1990, c. E.2, s. 188 (3).

#### **Cost of special services**

[\(4\)](#) A board shall not enter into an agreement under subsection (1), (2) or (3) that requires the board to provide special services for Indian pupils that it does not provide for its resident pupils unless, in

addition to the fees referred to in subsection (1) or (3), the cost of such services is payable by the Crown in right of Canada. R.S.O. 1990, c. E.2, s. 188 (4).

**Regulations: interests of members of bands**

(5) The Lieutenant Governor in Council may make regulations providing for representation on boards, by appointment, of the interests of members of bands in respect of which there is agreement under this Act to provide instruction to pupils who are Indians within the meaning of the *Indian Act* (Canada). 1997, c. 31, s. 95.

**Same**

(6) A regulation under this section may provide for the type and extent of participation by the persons appointed. 1997, c. 31, s. 95.

**Same**

(7) A regulation under this section may provide that all persons or one or more classes of persons, appointed under this section shall be deemed to be elected members of the board, for all purposes or for such purposes as are specified in the regulation. 1997, c. 31, s. 95.

**Representation on Roman Catholic boards**

(8) Where a person is appointed to represent the interests of Indian pupils on a Roman Catholic board, the person shall be a Roman Catholic and at least 18 years of age. 1997, c. 31, s. 95.

**Representation on French-language district school boards**

(9) Where a person is appointed to represent the interests of Indian pupils on a French-language district school board, the person shall be a French-language rights holder and at least 18 years of age. 1997, c. 31, s. 95.

## POLICY

The federal government through the *Indian Act*, 1876, assumed complete control of the education for the Indians residing on-reserve in 1876.

In 1876, the federal government consolidated previous legislation relating to the “protection” of the Indian people under the *Indian Act* to effect for the federal government to have full control over the Indians in Canada. The lives of the Indians would ultimately be controlled from birth to death. The *Indian Act* defines who is an Indian, regulates band membership, defines the governance structure of the Indians, taxations, wills and estates, lands and resources, and

education. Specifically to education, the federal government assumed full control over the education for the Indians who reside on reserves.

In 1911, the *Indian Act* made it mandatory for Indian children between the ages of 7 and 15 to attend schools, where the governments hoped to assimilate the children into mainstream society. Sections 144 to 122 of the *Indian Act* defines how the federal government sets out education for the Indians, despite what was promised in the treaties and other agreements made with the First Nations people in Canada. The Department of Indian Affairs administered the elementary and secondary schools for the on-reserve Indian students, including determining the amount of resources that are to be provided for the schools, determining where schools will be established, equipment, setting standards for the buildings and curriculum, determining attendance, and transportation. While much advancement have been made for the First Nations to assume much of the administrative responsibility for the schooling for their students, resourcing amounts and decision-making for the schools remains at the hands of the Department of Indian Affairs.

Agreements with provinces, etc.

114. (1) The Governor in Council may authorize the Minister, in accordance with this Act, to enter into agreements on behalf of Her Majesty for the education in accordance with this Act of Indian children, with

- (a) The government of a province;
- (b) The Commissioner of Yukon;
- (c) The Commissioner of the Northwest Territories;
- (c.1) the Commissioner of Nunavut;
- (d) A public or separate school board; and
- (e) A religious or charitable organization.

## Schools

(2) The Minister may, in accordance with this Act, establish, operate and maintain schools for Indian children.

R.S., 1985, c. I-5, s. 114; 1993, c. 28, s. 78; 2002, c. 7, s. 184.

## Regulations

115. The Minister may

- (a) Provide for and make regulations with respect to standards for buildings, equipment, teaching, education, inspection and discipline in connection with schools;
- (b) Provide for the transportation of children to and from school;
- (c) Enter into agreements with religious organizations for the support and maintenance of children who are being educated in schools operated by those organizations; and
- (d) Apply the whole or any part of moneys that would otherwise be payable to or on behalf of a child who is attending a residential school to the maintenance of that child at that school.

R.S., c. I-6, s. 115.

## Attendance

116. (1) Subject to section 117, every Indian child who has attained the age of seven years shall attend school.

## Idem

(2) The Minister may

- (a) Require an Indian who has attained the age of six years to attend school;
- (b) Require an Indian who becomes sixteen years of age during the school term to continue to attend school until the end of that term; and

(c) Require an Indian who becomes sixteen years of age to attend school for such further period as the Minister considers advisable, but no Indian shall be required to attend school after he becomes eighteen years of age.

R.S., c. I-6, s. 116.

When attendance not required

117. An Indian child is not required to attend school if the child

(a) Is, by reason of sickness or other unavoidable cause that is reported promptly to the principal, unable to attend school;

(b) Is, with the permission in writing of the superintendent, absent from school for a period not exceeding six weeks in each term for the purpose of assisting in husbandry or urgent and necessary household duties;

(c) Is under efficient instruction at home or elsewhere, within one year after the written approval by the Minister of such instruction; or

(d) Is unable to attend school because there is insufficient accommodation in the school that the child is entitled or directed to attend.

R.S., c. I-6, s. 117.

School to be attended

118. Every Indian child who is required to attend school shall attend such school as the Minister may designate, but no child whose parent is a Protestant shall be assigned to a school conducted under Roman Catholic auspices and no child whose parent is a Roman Catholic shall be assigned to a school conducted under Protestant auspices, except by written direction of the parent.

R.S., c. I-6, s. 118.

Truant officers

119. (1) The Minister may appoint persons, to be called truant officers, to enforce the attendance of Indian children at school, and for that purpose a truant officer has the powers of a peace officer.

Powers

(2) Without restricting the generality of subsection (1), a truant officer may, subject to subsection (2.1),

(a) Enter any place where he believes, on reasonable grounds, that there are Indian children who are between the ages of seven and sixteen years, or who are required by the Minister to attend school;

(b) Investigate any case of truancy; and

(c) Serve written notice on the parent, guardian or other person having the care or legal custody of a child to cause the child to attend school regularly thereafter.

Warrant required to enter dwelling-house

(2.1) Where any place referred to in paragraph (2) (a) is a dwelling-house; a truant officer may not enter that dwelling-house without the consent of the occupant except under the authority of a warrant issued under subsection (2.2).

Authority to issue warrant

(2.2) where on *ex parte* application a justice of the peace is satisfied by information on oath

(a) That the conditions for entry described in paragraph (2) (a) exist in relation to a dwelling-house,

(b) That entry to the dwelling-house is necessary for any purpose relating to the administration or enforcement of this Act, and

(c) That entry to the dwelling-house has been refused or that there are reasonable grounds for believing that entry thereto will be refused,

The justice of the peace may issue a warrant under his hand authorizing the truant officer named therein to enter that dwelling-house subject to such conditions as may be specified in the warrant.

#### Use of force

(2.3) In executing a warrant issued under subsection (2.2), the truant officer named therein shall not use force unless he is accompanied by a peace officer and the use of force has been specifically authorized in the warrant.

#### Notice to attend school

(3) Where a notice has been served in accordance with paragraph (2) (c) with respect to a child who is required by this Act to attend school and the child does not within three days after the service of notice attend school and continue to attend school regularly thereafter, the person on whom the notice was served is guilty of an offence and liable on summary conviction to a fine not exceeding five dollars or to imprisonment for a term not exceeding ten days or to both.

#### Further notices

(4) Where a person has been served with a notice in accordance with paragraph (2)(c), it is not necessary within a period of twelve months thereafter to serve that person with any other notice in respect of further non-compliance with this Act, and whenever that person within the period of twelve months fails to cause the child with respect to whom the notice was served or any other child of whom he has charge or control to attend school and continue in regular attendance as required by this Act, that person is guilty of an offence and liable to the punishment imposed by subsection (3) as if he had been served with the notice.

#### Tardiness

(5) A child who is habitually late for school shall be deemed to be absent from school.

Take into custody

(6) A truant officer may take into custody a child whom he believes on reasonable grounds to be absent from school contrary to this Act and may convey the child to school, using as much force as the circumstances require.

R.S., 1985, c. I-5, s. 119; R.S., 1985, c. 32 (1st Supp.), s. 21.

Denomination of teacher

120. (1) Where the majority of the members of a band belong to one religious denomination, the school established on the reserve that has been set apart for the use and benefit of that band shall be taught by a teacher of that denomination.

Idem

(2) Where the majority of the members of a band are not members of the same religious denomination and the band by a majority vote of those electors of the band who were present at a meeting called for the purpose requests that day schools on the reserve should be taught by a teacher belonging to a particular religious denomination, the school on that reserve shall be taught by a teacher of that denomination.

R.S., c. I-6, s. 121.

Minority religious denominations

121. A Protestant or Roman Catholic minority of any band may, with the approval of and under regulations to be made by the Minister, have a separate day school or day school classroom established on the reserve unless, in the opinion of the Governor in Council, the number of children of school age does not so warrant.

R.S., c. I-6, s. 122.

Definitions

122. In sections 114 to 121,

"Child"

« enfant »

"Child" means an Indian who has attained the age of six years but has not attained the age of sixteen years, and a person who is required by the Minister to attend school;

"School"

« école »

"School" includes a day school, technical school, high school and residential school;

"Truant officer"

« agent de surveillance »

"Truant officer" includes

- (a) A member of the Royal Canadian Mounted Police,
- (b) A special constable appointed for police duty on a reserve, and
- (c) A school teacher and a chief of the band, when authorized by the superintendent.

R.S., c. I-6, s. 123.

The education sections of the *Indian Act* contravene what the Treaty negotiators understood they had agreed to, regarding education. At a critical point of the negotiations, Chief of the Lac Seul band enforced his position for a “school-master to be sent them to teach their children the knowledge of the white man”, and later at these North-West Angle negotiations, Commissioner

Alexander Morris promised “Whenever you go to a Reserve, the Queen will be ready to give you a school and schoolmaster” (Morris, The Honourable Alexander Morris. The Treaties of Canada with the Indians”, Coles Publishing Company: Toronto, 1971, p. 93).

- **Elementary and Secondary Education**

The Indian and Northern Affairs Canada funds First Nation schools and will provide funds for on-reserve students who attend a provincial school off-reserve. Funding is provided to the band councils, or a First Nation education authority, for kindergarten to grade 12, where they exist. These funds are to provide for instructional services at the on-reserve schools, tuition costs for the students who attend the off-reserve provincial schools, and the transportation, counseling, accommodation, and financial support associated with attending the schools. (INAC website)

INAC reports it spent \$65 million in 2006-07 for additional project-based educational services to First Nation schools to increase the capacity for the on-reserve schools so that there can be improved professional development and training opportunities for teaching staff, teacher recruitment and retention initiatives, and a promotion for increased parent and community engagement in the community education systems. (INAC website)

Nominal Roll System:

The Indian and Northern Affairs Canada (INAC) follows the Nominal Roll System (NRS) which is a computerized information system that enables the Department to maintain an annual census of First Nation students living on reserve and attending school, whose education is funded directly or indirectly by INAC. (Ontario Region Nominal Roll Instruction Manual 2002/2003, p. 3) INAC uses the Nominal Roll System to manage their elementary and secondary education program and provide educational statistics for its own use. The system serves a number of purposes for INAC including:

1. Providing a basis for First Nations to obtain funds for their elementary and secondary school education program;
2. Justification for capital funds expenditures;

3. Policy and planning decision making tool;
4. Assessment for educational progress of the First Nations,
5. Maintaining educational statistics. (p. 3)

First Nations schools must submit their Nominal Roll information needs and be mindful of the deadline to ensure their Nominal Roll list is provided to INAC in time to receive their funding. In early September INAC sends the Nominal Roll System packages to the First Nations, and the census dates for the Nominal Roll is September 30<sup>th</sup>. By mid-October the Nominal Roll submission needs to be received by the INAC Business Centre. Until the third week in November, INAC enters the submissions into their Nominal Roll System, and validation checks are conducted. By mid-December the submission for the Ontario Region is sent to headquarters in Ottawa for amalgamation with the other regions.

The data is collected to report new students, continuing students, and ‘leavers’ (p. 6) Eligibility for the Nominal Roll is based on age, residency, status, and program and services:

**Age:** Children must be four years old by December 31 of that year, and cannot be older than 21 years at the elementary school level, but there is no age limit for the secondary school level.

**Residency:** Those students who ordinarily reside on the First Nation for whom the First Nation is financially responsible should be on the Nominal Roll list.

**Status:** Only registered First Nation persons living on a reserve or Crown land, First Nation children not yet registered on the band membership list but where the parents are registered, and reinstated children living on reserve or Crown land are eligible. Non-registered children who are non-Indian who may be residing on reserve

## APPENDIX C

### **FIRST NATION EDUCATION INITIATIVES**

This section of the report outlines the initiatives that have been developed and implemented by First Nations across Canada, in an effort to improve the education of First Nation students.

#### **1. Manitoba First Nation Education Resource Centre**

The Manitoba First Nation Education Resource Centre (MFNERC) was established in 1999 following a call by the Chiefs in Manitoba to fill the gaps where the education system was failing to meet the needs of the First Nations schools. The MFNERC incorporates a community driven process to working with the schools and communities, and developing the capacity of the communities by providing training and coordinating opportunities for families and the community to be involved with the education of their members.

MFNERC also focuses its programming on professional development for the school authority members, education administrators, educators, and teaching assistants.

#### Special Education Unit:

The Special Education Unit (SEU) comprises of specialized staff who work directly with the First Nation schools to provide the necessary special education services, and/or provide the support to the teaching staff at the schools to better meet the needs of the special needs students. The SEU employs Special Education Specialists, a Special Needs/Disability Specialist, a Community Wellness Specialist, Speech and Language Pathologists, a Special Education Instructor, and a Program Liaison Officer.

The SEU operates three training programs that are designed to train and support the participants to work in classrooms and immediately apply their training. The Speech and Language Pathologist training program is offered full time. The Para-Educator Rehabilitation Assistant

(PERA) program and the Resource Inclusive Special Education programs will be available to the First Nation individuals who work within the Manitoba First Nations with the special education students. MFNERC partners with the University College of the North to offer professional development to the Para-Educators working with the special needs students in the First Nation schools.

#### Information Communication Technology Unit:

The Information Communication Technology Unit (ICT) was created in 2007 to service the MFNERC offices and the First Nation schools with media and technical support to improve the ability of MFNERC to deliver educational services to the schools. The four areas the ICT focuses on are school technology planning, network support, media development, and online educational tools and resources. Video conferencing enables the MFNERC staff to communicate and interact with the First Nation school educators, no matter how remote their community is. The technology provides for on-line learning at the community level, and provides the venue for MFNERC staff to build and share learning materials to the schools so that they can better meet the provincial standards and new materials.

#### Community Education Unit

The Community Education Unit (CEU) assists the First Nations schools with school planning and administrative leadership. MFNERC provides technology support in the classroom, school board training, parental involvement, and provides technology technical services.

MFNERC also assists the communities with school planning that includes facilitating discussion to set specific priority goals for their school year.

#### In-Schools Programs Unit

The In-Schools Programs unit (ISP) provides orientation and professional development to the First Nations schools so the teachers and educational staff can implement the provincial

curriculum including language arts (English), math, and science. The unit assists with making recommendations for the required resources to implement the provincial curricula and supports the integration of culturally-appropriate perspectives within the curriculum. An Instructional Resource Centre comprising of culturally relevant curriculum materials for the schools is overseen by the ISP.

### Species at Risk Teaching Kit

The MFNERC developed the Species at Risk Teaching Kit and Calendar for Kindergarten to grade 12 students. The Kit assists teachers to engage the students to learn about biodiversity, threats to species at risk, and the need to maintain healthy habitats for the species at risk. The students and teachers explore ways to protect and recover species at risk and habitats within the First Nations' traditional territories applying the First Nations own natural laws and through understanding the mainstream Species at Risk Act. The Kit was developed with the traditional knowledge and teachings of the Elders.

### Education for Sustainable Development

The MFNERC has developed a First Nations Astronomy workshop for the First Nation school students and teachers combining science and the traditional concepts of astronomy.

There are a number of other initiatives that the MFNERC provides and continues to develop with the direction and involvement of the First Nation communities it serves.

## **2. Southeast Collegiate and Residence, Manitoba**

In 1995, Southeast Tribal Council established the Southeast Collegiate. This unique collegiate was established as a response to the over 350 First Nation students who were coming into Winnipeg for high school from the nine Southeast communities. Most students at the time were billeted in room and board arrangements in the city, but the retention rate was poor due to the

students being homesick, living in a foreign environment, and with little supports to them. Southeast Tribal Council (incorporated as Southeast Resource Development Council Corporation “SERDC”) consulted with the First Nations and proposed to set up a school that would be spiritually and culturally appropriate for the students. Upon receiving support from the communities, SERDC purchased a building that already had a dorm. The building had been a religious college that had residences for the students.

### Funding

The Southeast Collegiate provides grades 9 to Senior 4 to fill the gap of the First Nations that lack a high school. The Collegiate follows provincial standards, and receives funding levels equivalent to what a provincial school divisions rather than the federal funding for on-reserve schools that is based on the nominal roll and provides no capital funds. SERDC had initially submitted a funding proposal based on re-diverting funds which went to the Winnipeg School Division rather than determining funding based on the nominal roll.

The Manitoba provincial school divisions receive rates higher than the on-reserve schools, and SERDC receives the higher level of funding than the on-reserve schools, the drawback for the Collegiate is that capital costs have been high to meet the needs of the school and students.

### Governance

The Southeast Collegiate is governed by a board of directors that is comprised of representatives from the participating First Nations. The school is incorporated and is listed as a private school.

### Curriculum

Southeast Collegiate boasts an 87-90% retention rate, although that has not always been the case. At the beginning the retention rate was only 63% but the school has improved its curriculum, programming and support services to better meet the needs of the students. Teaching staff must meet provincial education standards and the curriculum follows the

provincial standards and guidelines. Elders come in on a regular basis to teach the culture and traditional ways of life.

### Facility

The school is situated on 40 acres near the outskirts of the City of Winnipeg, and provides for a number of sporting and outdoor programs to happen. The Collegiate rents space for beneficial programs such as jujitsu to be provided at the facility.

The physical education program for students include junior and senior organized sports teams for volleyball, basketball, badminton, and the gymnasium is available for students use on evenings and weekends. The Collegiate organizes daily recreational activities for the students which include swimming, movie nights, sports played in the gymnasium such as floor hockey, hockey, theatre, drama, and social events.

The students reside in residence during the school year. The residential side is a lodge that was built by the previous owners and there are kitchen and dining facilities for the students and the teachers. There is a fully equipped weight room, a recreational room with pool tables, televisions, and VCR/DVDs, and a large screen projection machine for movies.

### **3. Children of the Earth High School, Winnipeg, Manitoba**

In 2005 Maclean magazine rated Children of the Earth High School as the top school in Canada in the Special Community category and as one of the top ten high schools in Canada. Children of the Earth High School was opened in 1991 and 75% of the high school graduates move on to post-secondary education. The school follows the Winnipeg School Division curriculum; however, it integrates cultural teachings and mandates Cree and Ojibway language courses.

In a 6-day timetable, half a day is slotted for cultural education which includes drumming, cooking traditional foods, beadwork, and teachings about men and women's traditional roles. Two cultural advisors ensure that the traditional programs are appropriate and offer spiritual and

emotional support to the students. The students can smudge in the morning when they arrive for classes. On Fridays, during the last class the students have a sharing circle and smudge before leaving home for the weekend.

The First Nation students have the freedom to practice their culture in their own school. The issues that affect the students include poverty, suicide, gangs, young parenting, racism, violence, and drug and alcohol abuse at home. Although these are disturbing issues, the common experiences enable the students and teachers to discuss them openly; whereas, such open discussions do not occur at mainstream schools. The staff at Children of the Earth High School provides the students with coping strategies and how to make positive choices.

#### National Honour for Medical Careers Program

The Canadian Education Association (CEA) has honoured Children of the Earth High School's Medical Careers Exploration Program with a national award. CEA chief executive officer Penny Milton presented principal Lorne Belmore with the inaugural Ken Spencer Award for Innovation in Teaching and Learning at the Pan Am Clinic on Sept. 23. The four-year program has Aboriginal students interning at the clinic to explore potential careers as technologists, nurses, health information clerks, x-ray technicians and more.



The program is the result of a partnership among the Winnipeg School Division, the Pan Am Clinic, the Health Sciences Centre, WRHA-Aboriginal Health Program and the University of

Manitoba-Access Program. It is supported by a grant from The Winnipeg Foundation and the Province of Manitoba's Bright Futures Fund.

#### **4. Niji Mahkwa Elementary School, Winnipeg, Manitoba**

The Niji Makwa School is located in the North End of Winnipeg, Manitoba. When a Race Relations task force took place, the results were not nice for First Nations people and the need for a culturally appropriate and linguistically sound school was identified. David Blacksmith from Cross Lake, Manitoba went to school board meetings to have his concerns heard but the board members did not listen, so he sang songs throughout their meetings until he was heard.

The process for the development of an Aboriginal school was complex. The community was asking for prayer in the school despite prayer being banned from school but they had the superintendent, Lakota, Cree and Ojibway people supporting them.

Niji Makwa School understands that First Nation children have an inherent right to culture, linguistics, academics and computer technology. Language is a mandate and the children who choose to attend the school select the cultural program. The administrators realized that that 96% of the students spoke English at home and it was their first language so the first language methodology was not going to work so they used the second language program. The language teachers had to be linguists and teachers. Along with language, the Seven Teachings are used as the foundation for the school. This is supported by the community and the staff.

Teachers are expected to build units using knowledge consistent with Lakota, Cree, Dene and Ojibway teachings. Program outlines were built identifying the teachings that took place in the seasons and this remains consistent throughout nursery to grade 8.

The administration and staff go to the pipe and they pray for direction. The principal tried to bring in a drum but when it cracked she understood it was not her task. An Elder came later with a drum for the school. Niji Makwa School will ensure that students will learn that the language, culture, identity and the connection to the land is important because it is what makes them distinct and tells them who they are.

## 5. Akwasasne Freedom School

Language is the key to the survival of the Anishinaabe of the Treaty #3 Nation. The Akwasasne Freedom School is an example of where the Mohawk Nation instituted a full language immersion school that incorporates not only their language but their culture within the entire school system.

The Akwasasne Freedom School (AFS) located on the Akwasasne Nation is an independent elementary and middle-school that provides full day classes for pre-kindergarten to grade 9 students. The Akwasasne Nation is situated along the St. Lawrence River, bordering the Ontario and Quebec provinces within Canada and the state of New York in the United States and is comprised of 13,000 members.

The goal of establishing the AFS was to preserve the language and culture of the Akwasasne. The school was established in 1979 by the parents of Akwasasne who were concerned with the lack of language and cultural teachings provided in the local public schools. The initial focus of the school was to teach language classes and incorporate cultural teachings, but in 1985 the parents chose to adopt a total Mohawk immersion language and culture curriculum. This was done without the funding from the Canadian provincial or federal governments or funding from the New York state or American governments. The parents were determined to re-educate their children to the Mohawk culture and reverse the assimilation process as a means to protect and promote the survival of the Mohawk Nation.

The Akwasasne Freedom School prepares Mohawk children to live in the world with confidence as they carry on the Kanien'kéha culture. They combine solid academics with a strong foundation in the Kanien'kehá:ka culture, which is rich in symbolism and pride. The United States constitution is based on the very system of government from which these teachings originate.

## Funding

For the past 25 years, the AFS has existed on funding from various community sources including fundraising, donations, and project funding. There is no approved federal or provincial funding provided. The community parents and volunteers continuously host funding raising events including lunches, bake sales, and quilting sales to provide for the annual basic school operation costs of heat, water, and hydro. The community contributes from various pots of resources to cover the costs for the teachers' salaries, and funding through projects provides for much of the schools educational materials.

There are on average 53 students attending AFS with 5 students per classroom. On the Canadian side of Akwesasne, there is an elementary school and two junior high schools which are also attended by the Akwesasne students; however, information as to the comparison of these schools with AFS is not part of this research.

A Junior Chief and Council are elected annually to develop and promote leadership skills amongst the students.

## Curriculum

The AFS incorporates its traditions as the foundation for its entire curriculum. There is the Thanksgiving Address (Ohén:ton Karihwatéhkwén) which starts and ends the day at the AFS. One student publicly recites the Address by memory. The purpose of the Address is two-fold, first to remind of the Mohawk's perspective of teaching and, secondly, to increase the students' ability to be public speakers.

The school provides the mainstream educational subjects of language arts, math, science, health, and social studies but from the traditional Mohawk perspective. The goal of this approach is to teach the students to understand the Mohawk way of life from a physical, historical, economic, and human perspective. The programming comprises of applying learning experiences, resources, and materials for each student to build the necessary knowledge and skills to thrive in

the mainstream society yet internalize the customs, language, attitudes, and patterns to practice the traditional Mohawk culture. Specifically the teaching of science offers the perspective for making decisions about the future. The history and geography courses provide an examination of contemporary and traditional ceremonial events,

The Mohawk ceremonial calendar is a vital part of the educational process. The school holidays comprise only of their fifteen traditional ceremonies where the students go to the Longhouse to celebrate these ceremonies.

### Benefits

The AFS is a source of pride for the Akwesasne Nation. The neighboring non-Native communities recognize the school as a quality educational institution and the Mohawks themselves are proud that they are raising their children to be proud of their Mohawk ancestry and ways of life. The Thanksgiving Address provides guidance to the students to respect the earth and everything in it, and provides the base for the curriculum taught. The AFS encourages the students to become politically and spiritually aware of who they are and what the world is about.

## **6. Nova Scotia Mi'kmaq Education Jurisdiction**

In 1992, the Mi'kmaq of Nova Scotia embarked on having jurisdiction recognized for their on-reserve education and in 1999 the *Mi'kmaq Education Act* was passed by Orders in Council (federal). While in the same year, provincial Order in Council brought force to the *Mi'kmaq Education Act*. Currently 10 of 13 Mi'kmaq First Nations are participating but a clause in the constitution allows three other First Nations to opt in when they choose to do so.

The Mi'kmaq have recognized jurisdiction over Kindergarten to Post-Secondary student support, and this enables the First Nations to have their own local education boards which allows the First Nations Councils to pass their own laws regarding education.

Within the legislation, the Mi'kmaw Kina'masuti (MK) organization was set up to administer education and has the capacity to research and design effective and appropriate learning programs for the Mi'kmaq learners. The MK assists the First Nations to assume control over their education systems by providing supports, setting up local school boards, allocating funding and assisting the First Nations to access enhanced funding sources by helping with writing proposals and completing reporting requirements, and assisting with access to grant funding including INAC's New Paths, Special Education, and Teacher Retention programs.

The funding for the Mi'kmaq is based on INAC funding formula that is fixed for 5 years on a grant basis that is adjusted annually based on their nominal rolls. Current funding levels by Canada and the province still does not meet needs of communities and the MK reports a lack of capital for schools to be built on each of their First Nations.

## **7. First Nation Education Steering Committee, B.C.**

The First Nations Education Steering Committee (FNESC) was established in 1992 with a mandate to facilitate discussion about education matters affecting First Nations in British Columbia through the dissemination of information and soliciting input from the First Nations. The vision of FNESC is to improve the quality of education for all First Nation learners in British Columbia including early learning to adult and post-secondary education. FNESC is an independent and federally incorporated entity that is governed by a Board of Directors with about 80 board members who are made up of one representative from each of the participating First Nations. The focus of FNESC is to be a collective voice for addressing education as it relates to the First Nations needs in British Columbia. The current priority for the FNESC is to facilitate jurisdiction for the First Nations.

The First Nations School Association (FNSA) has a membership of approximately 125 schools that is governed by ten Board of Directors, who are educators elected by the membership to represent the various regions in the province. The FNSA collaborates with the schools to ensure the learning environments are conducive to the needs of the First Nation learners including providing opportunities for First Nation language and heritage to be learned. The FNSA deals

with school assessment, teacher certification, and data collection, and reports annually on the work achieved.

The FNEESC has established partnerships that encompass the entire education process from early childhood development to post-secondary and adult education. The FNEESC provides support that includes education jurisdiction, curriculum development, data and measures collection, and support services for parents and youth. FNEESC commits to “facilitate discussion about education matters affecting the First Nations in British Columbia by disseminating information and solicit input from First Nations” (Annual Report 2008/2009)

### Successes

The FNEESC successfully negotiated recognition of First Nation jurisdiction for on-reserve education for kindergarten to grade 12 in British Columbia. The federal *First Nation Jurisdiction over Education in British Columbia Act* was proclaimed in 2006, and the province of British Columbia passed the *First Nations Education Act* in 2007.

The First Nations schools implemented the English 12 First Nations Peoples curriculum in all the First Nation schools that offered students the opportunity to study in an English program that focused on the literature and oral traditions of Indigenous peoples.

In 2008-2009, the FNEESC exerted effort into the jurisdiction negotiations and achieved funding agreements to meet the needs of the First Nations schools and the students.

The FNEESC succeeded with streamlining their funding program application and reporting processes for the First Nation schools and the communities in British Columbia. Also in 2008, the British Columbia Ministry of Education announced it would provide reciprocal tuition funding for payment of tuition, meaning full payment, for non-status and off-reserve students attending First Nation schools.

The B.C. First Nation schools access funding for special needs from the FNEESC, as the FNEESC manages the funding for schools. The FNEESC has the necessary supports for the schools, speech pathologists on contract, provides teaching for special needs to the schools, and special education resources. Funding for the special education comes from INAC. The Ministry of Education provides FNEESC with annual statistics of the number of students including those who have been diagnosed with special needs. FNEESC has a part-time staff person who provides support services for special needs teachers and other school resources.

#### New Paths for Education Program:

The FNEESC and the FNSA are responsible for managing the funds from INAC for the New Paths for Education (NPE) and the Parental and Community Engagement (PCE) programs. The NPE application provides a mechanism for applicants to apply for the New Relationship Trust; funds committed by the province of British Columbia to build a positive relationship between the First Nations and the provincial government.

The FNEESC website provides the NPE application form, an information package, work plan form, and variation form. The information is easy to read and provides sample forms for the First Nations to guide them with completing the necessary forms. FNEESC also provides technical support to the First Nations to complete the forms and encourages all communities to apply for the NPE, and provides assistance with the completion of the final reports.

The NPE program funding is based on a formula that provides a base plus a per capita amount to support First Nations communities in areas of capacity building, including governance and infrastructure, improving school effectiveness, and school to work transition.

#### Parental & Community Engagement Program

The Parental and Community Engagement Program (PCE) provides funding for First Nations schools to support activities that raise awareness of parents and the community members that

they need to play a role in their children's education and provide a supportive environment so that the parents and community can be active in this valuable role.

The FNEESC administers the funds for this INAC program which is directly distributed to the First Nations schools applying a funding formula that provides a 'base' plus a 'per capita amount'. The FNEESC encourages First Nations to comply with reporting requirements by notifying the First Nation in their application form that should they submit their final report late, the First Nation will be penalized with a reduced amount for the following year.

#### First Nations SchoolNet

The First Nations SchoolNet program is a partnership initiative FNEESC and FNSA has with Industry Canada as part of the federal strategy "Connecting Canadians" to connect Canadians to the internet. SchoolNet assists the First Nations schools with internet installation services and provides and maintains computers for schools use.

#### First Nations & Inuit Youth Employment Strategy Program

The FNEESC administers the Summer Work Experience Program and the Skills Link Program that is funded by INAC to assist youth gain work skills through a wage subsidy program for summer work experience.

#### Artists in Education

In 2003 the FNEESC and FNSA partnered with ArtStarts in School to provide the First Nations schools with the opportunity to bring artists, with a focus on First Nation artists, who share their gifts of talent and experiences with art for the benefit of First Nation students. The goal of the program is to expose the students to art activities including the performing, media, visual and literary arts, and promote the arts as an area for future study and professional employment. The First Nation schools apply through an application process for the grant allocations.

### Teacher Recruitment and Retention: Professional Development Program

The FNEC and FNSA administer the Teacher Recruitment and Retention: Professional Development (TRR:PD) program in partnership with INAC for the British Columbia region. The on-reserve schools are provided with funds to assist with professional development opportunities for teachers and staff, recognition of teacher and school excellence, and promote education as a career in their particular community.

Partnerships with accredited educational institutions provide for accredited on-line training for teachers and staff. Workshops and other training programs and courses delivered by specialists are organized by the First Nations. The funding is distributed by FNEC directly to the First Nation schools using a formula that provides each of their schools with an allocation.

### Special Education Program:

The FNEC and FNSA provides a number of Special Education Program services to increase the capacity of the First Nations to build capacity, provide support services to educators, and provide direct intervention support to special needs students.

The FNEC and FNSA has an agreement with SET-BC, a provincial organization mandated to provide services to students who are physically disabled, autistic, and/or visually impaired, to provide assistive technology support to First Nation students whose special needs fall within this category. First Nations schools complete an application form that is available on the FNEC website to apply for services.

The FNEC and FNSA provide speech-language pathologists services to the First Nations schools. Services are requested through an application process where priority is based on need and availability. The application is available on the FNEC website.

The Psycho-Educational Assessment (Coordinated Students Assessments) for each student is provided by the FNEC and FNSA annually. In addition, by request the FNEC will provide a

special education teacher to support their school, and special education resource materials can be accessed on the FNEESC website.

#### Professional Development:

The FNEESC partners with recognized educational institutions to provide professional development programs for the First Nations schools. One course currently being offered is the First Nations Speech Language Assistant Certificate program which assists its students to work at a paraprofessional level in the speech and language field under the direction of speech language pathologists. Participants also receive training in the use of technology to deliver speech language services in order to meet the unique needs of the remote and semi-remote First Nation communities.

**APPENDIX D**

**INDIAN AND NORTHERN AFFAIRS SALARY SCALES**  
**ELEMENTARY AND SECONDARY TEACHING SUB-GROUP (ED-EST)**  
**GUIDANCE AND VOCATIONAL COUNSELLOR**  
**ANNUAL RATES OF PAY**  
(in dollars)  
**ONTARIO**  
**(12 MONTH PAY PLAN)**  
**INDIAN AND NORTHERN AFFAIRS CANADA**

**TEACHING****EXPERIENCE LEVEL 1 1/7/07 1/7/08 1/7/09 1/7/10**

1	32857	33613	34117	34629	35148
2	34204	34991	35516	36049	36590
3	35551	36369	36915	37469	38031
4	36892	37741	38307	38882	39465
5	38247	39127	39714	40310	40915
6	39591	40502	41110	41727	42353
7	40939	41881	42509	43147	43794
8	42279	43251	43900	44559	45227

**TEACHING****EXPERIENCE LEVEL 2 1/7/07 1/7/08 1/7/09 1/7/10**

1	37010	37861	38429	39005	39590
2	38925	39820	40417	41023	41638
3	40843	41782	42409	43045	43691
4	42758	43741	44397	45063	45739
5	44676	45704	46390	47086	47792
6	46593	47665	48380	49106	49843
7	48509	49625	50369	51125	51892
8	50421	51581	52355	53140	53937
9	52331	53535	54338	55153	55980

**EXPERIENCE LEVEL 3 1/7/07 1/7/08 1/7/09 1/7/10**

1	38670	39559	40152	40754	41365
2	40785	41723	42349	42984	43629
3	42902	43889	44547	45215	45893
4	45017	46052	46743	47444	48156
5	47135	48219	48942	49676	50421
6	49251	50384	51140	51907	52686
7	51369	52550	53338	54138	54950
8	53487	54717	55538	56371	57217
9	55602	56881	57734	58600	59479
10	57731	59059	59945	60844	61757

**TEACHING****EXPERIENCE LEVEL 4 1/7/07 117108 117/09 1/7/10**

1	43918	44928	45602	46286	46980
2	46237	47300	48010	48730	49461
3	48554	49671	50416	51172	51940
4	50878	52048	52829	53621	54425
5	53194	54417	55233	56061	56902
6	55514	56791	57643	58508	59386
7	57835	59165	60052	60953	61867
8	60152	61535	62458	63395	64346
9	62472	63909	64868	65841	66829
10	64782	66272	67266	68275	69299

**TEACHING****EXPERIENCE LEVEL 5 1/7/07 1/7/08 1/7/09 1/7/10**

1	45949	47006	47711	48427	49153
2	48280	49390	50131	50883	51646
3	50625	51789	52566	53354	54154
4	52955	54173	54986	55811	56648
5	55294	56566	57414	58275	59149
6	57631	58957	59841	60739	61650
7	59966	61345	62265	63199	64147
8	62300	63733	64689	65659	66644
9	64637	66124	67116	68123	69145
10	66959	68499	69526	70569	71628

**TEACHING****EXPERIENCE LEVEL 6 1/7/07 1/7/08 1/7/09 1/7/10**

1	49561	50701	51462	52234	53018
2	52491	53698	54503	55321	56151
3	55417	56692	57542	58405	59281
4	58344	59686	60581	61490	62412
5	61275	62684	63624	64578	65547
6	64197	65674	66659	67659	68674
7	67120	68664	69694	70739	71800
8	70009	71619	72693	73783	74890
9	72614	74284	75398	76529	77677
10	75220	76950	78104	79276	80465

**APPENDIX E****KEEWATIN PATRICIA DISTRICT SCHOOL BOARD TEACHER SALARY SCALE 2008-2009****Board Teacher Salary Grid**

Elementary teachers 2008/09

Secondary teachers 2008/09

**Qualification Categories (whole dollars) - Elementary**

Years of teaching exp. ___D___C___B___	A1 / Gp1	A2 / Gp2	A3 / Gp3	A4 / Gp4
1	38,325	43,368	45,535	48,567
1	40,390	45,738	48,179	51,436
2	42,452	48,105	50,823	54,303
3	44,516	50,475	53,467	57,169
4	46,580	52,842	56,108	60,038
5	48,642	55,210	58,749	62,904
6	50,706	57,579	61,394	65,773
7	52,769	59,948	64,038	68,640
8	54,821	62,318	66,680	71,508
9	56,898	64,686	69,323	74,372
10	58,959	67,433	71,983	77,406
11	61,022	69,970	74,657	80,898
12	67,433	69,970	74,657	80,898
13 +	69,970	69,970	74,657	80,898

**Qualification Categories (whole dollars) - Secondary**

Years of teaching exp. ___D___C___B___	A1 / Gp1	A2 / Gp2	A3 / Gp3	A4 / Gp4
1	43,061	44,834	48,366	50,663
1	45,515	47,568	51,333	53,890
2	47,966	50,306	54,303	57,116
3	50,419	53,039	57,269	60,342
4	52,866	55,773	60,235	63,566
5	55,321	58,510	63,204	66,793
6	57,771	61,245	66,171	70,017
7	60,223	63,982	69,140	73,243
8	62,674	66,717	72,108	76,468
9	65,126	69,454	75,076	79,695
10	67,686	72,219	78,258	83,240
11	70,656	75,389	81,691	86,895
12	70,656	75,389	81,691	86,895
13 +	70,656	75,389	81,691	86,895