



CHAPTER 6

Indigenous Education

In Ontario, Indigenous (First Nation, Métis, and Inuit /FNMI) students who live in First Nation communities attend schools in their own communities or the province's publicly funded schools. In 2011-12, approximately 12,900 Indigenous students attended schools in their own communities and approximately 5,300 attended elementary and secondary schools in Ontario's publicly funded school system. Financial responsibility for the education of Indigenous students who reside in First Nation communities, whether they attend publicly funded

schools or schools in First Nation communities, falls under the jurisdiction of Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC); formerly Aboriginal Affairs and Northern Development Canada (AANDC). In recent years, provincially, the Ontario Ministry of Education has become more involved in discussions around programming and programming supports for Indigenous students who can attend school in both the provincial system, and the federally funded "On-First Nation" education system.

Indigenous students who live in First Nation communities and attend schools operated by a district school board or school authority may do so under an Education Services Agreement (ESA), also commonly referred to as a Tuition Agreement. These agreements are legal and binding, and are developed through mutual discussions around provision of services for school-based programs, or individual student supports as determined by both the First Nation and the public school board or school authority. They outline programs and services for Indigenous students, with tuition fees determined by a

provincially required formula, that are to be paid to the school board for these services, as well as reporting requirements. They provide a basis for the relationship between the First Nation community and the board. The individual relationship a board has with a First Nation, the needs of the students and community, and the ability to provide appropriate services, are all considerations in the development of an ESA. The nature of ESAs will vary by board, as will the needs vary by community.

In addition to Indigenous students who attend provincially funded schools under ESAs, there are a significant number of students who self-identify as Indigenous. These may be students who have moved from a First Nation and/or are students with full or partial Indigenous ancestry who have never lived in a First Nation community. Students who self-identify as Indigenous, and who do not reside on a First Nation, are able to access the supports that are included in the FNMI Framework, like any Indigenous student. The FNMI framework is also intended to address the unique needs of those students, while supporting the cultural teachings and learnings that would be

of value and benefit for all students.

The appointment of First Nation Trustees to a school board is related to Education Services Agreements and is outlined in Ontario Regulation 462/97: First Nations Representation on Boards. First Nation representation on a school board is determined first by the existence of one or more ESAs and then by the number of Indigenous students attending the board's schools. (Refer to "Education Services (Tuition) Agreement Guide – A Resource for Ontario School Boards and First Nations, 2012")

Education in First Nation Communities

Ontario has 133 First Nations. Education for Indigenous students who reside in a First Nation community is funded federally by CIRNAC. Most First Nation communities have schools that operate under the authority of the community's Chief and Council. They are referred to as Band-operated schools. A few First Nations have opted to retain federally-operated schools. First Nation communities with schools generally offer only elementary school to a specific grade and most do not have secondary schools.

Responsibilities for First Nation communities that have schools, set local education policy and manage their own operations include:

- Staffing (hiring teachers, including Native-language teachers; administrators; and support staff)
- Managing budgets
- Determining the curriculum
- Evaluating educational programs
- Setting up and administering cultural, early childhood education, and adult education programs
- Setting up and administering counselling services
- Providing secondary support services and support budgets
- Distributing financial assistance for postsecondary education
- Operating and maintaining school buildings.

Upon completion of the schooling offered in the community, students transfer into public or private schools to further their education. The communities that do not have a school enrol their students into public or private schools for the entire duration of their education.



Education Services (Tuition) Agreements

Section 188 of the *Education Act* permits school boards to enter into agreements with a band council, a First Nation education authority, or CIRNAC. The fees calculated for students under an ESA are similar to the amounts provided to boards for their resident pupils. The calculation of fees is set out in an Ontario regulation, which is filed annually to maintain consistency with the provincial funding

formula. The regulation sets out a formula that generates a per-pupil dollar amount associated with an Indigenous student who is attending a school in a provincial school board. The fees regulation addresses the base tuition fee, additional costs and a pupil accommodation charge. This latter charge is a modest, standard charge that reflects building costs, since these costs are not included in the base tuition fee. The pupil accommodation charge has remained constant since the

introduction of the 1998 funding formula.

The base tuition fee includes most allocations of the Grants for Student Needs (GSN), but it does not include transportation, capital costs, and certain components of the Special Education Grant that are claims-based to provide for the profound needs of an individual child.

Additional fees may be charged in exceptional circumstances where the base fee does not totally

or only partly covers certain costs associated with the provision of an educational program, a service, or equipment that the First Nation has requested or that the board has recommended and the First Nation has agreed to. Examples might include a Special Incidence Portion (SIP) to address a student's health and/or safety needs, provision of a specific cultural program, provision of Indigenous student advisers in school, and; hiring of additional staff funded through a First Nation job creation program.

ESAs will vary, depending on the types of services and programs that the First Nation community and the board agree should be provided. Once the ESA is in place, the board is committed to providing the programs and services in the agreement.

The agreement between the board and the First Nation contains the details of the standard services that are provided to all students, other specific services to be provided to the Indigenous students covered by the agreement, communication and reporting requirements, and fees that are payable to the school board for the education services provided.

Beyond the contractual obligations, however, the

board has a general obligation to provide:

- Educational services on par with the general provincial standards
- An educational environment and teaching staff that respects Indigenous cultures.
- First Nation, Métis, and Inuit cultural-specific programs
- Consistent and timely reporting to the First Nation education authority
- First Nation involvement in schools attended by Indigenous students.

Section 185 of the *Education Act* permits school boards to enter into agreements with a band council or First Nation education authority regarding the admission of board pupils to an elementary First Nation school. These arrangements are commonly known as reverse or reciprocal tuition fee agreements.

Impact of the Truth and Reconciliation Commission (TRC)

In 2015, the TRC, released its final Executive Report and with it, the issuance of 94 "Calls to Action." These Calls to Action also align and are in support of the United Nations Declaration on the Rights to Indigenous People (UNDRIP), of which Canada is an official signatory. The UNDRIP

identifies clearly that education systems around the world, and in particular those in countries that are signatories, must reflect and endorse education that includes languages, the history, and the cultures of Indigenous peoples. Among the Calls to Action, two identify the need for ongoing review and subsequent action for appropriate curriculum reform; and sufficient funding for development and implementation of revised curriculum. Individual boards may be at different phases of implementation in approach and development for such action.

Ontario's First Nation, Métis, and Inuit Education Policy Framework

Ontario's First Nation, Métis, and Inuit Education Policy Framework seeks to increase Indigenous student achievement, close achievement gaps between Indigenous and non-Indigenous students, increase the knowledge and understanding of all students regarding Indigenous histories, cultures, contributions and perspectives, and thereby increase public confidence in publicly funded education. The framework clarifies the roles and relationships among

the ministry, school boards, and provincially funded elementary and secondary schools in supporting these goals.

The introduction to the framework describes its directions as follows:

“The strategies outlined in the framework are based on a holistic and integrated approach to improving Aboriginal student outcomes. The overriding issues affecting Aboriginal student achievement are a lack of awareness among teachers of the particular learning styles of Aboriginal students, and a lack of understanding within schools and school boards of First Nation, Métis, and Inuit cultures, histories, and perspectives. Factors that contribute to student success include teaching strategies that are appropriate to Aboriginal learner needs, curriculum that reflects First Nation, Métis, and Inuit cultures and perspectives, effective counselling and outreach, and a school environment that encourages Aboriginal student and parent engagement. It is also important for educators to understand the First Nations perspective on the school system, which has been strongly affected by residential school experiences and has resulted in intergenerational mistrust of the education system. It is essential that First Nation, Métis, and Inuit students are engaged and feel welcome in school, and that they see themselves and their cultures in the curriculum and the school community.”

Since it was released in 2007, intensive and successful efforts have been made in school boards across the province to move towards realization of the objectives of the policy framework. Changes have included increasing the number of Indigenous staff working in school boards, improving

Indigenous students' literacy and numeracy skills, training teachers in teaching methods appropriate for Indigenous students and encouraging more parent involvement in their children's education or school. Factors that contribute to student success include curriculum that reflects Indigenous histories, cultures, contributions and

perspectives, effective counselling and outreach, and a school environment that encourages Indigenous student and parent engagement.

The Role of School Boards

Beyond the contractual obligations school boards have under an ESA, the opportunity is available to them to play a significant role in developing and supporting education programs that meet the unique needs of Indigenous students at both the elementary and secondary levels. There are, according to the Statistics Canada 2011 National Household Survey, approximately 78,000 Indigenous school-age children living within the jurisdiction of school boards across Ontario. The 2016 census indicated this number was growing more than four times faster than that of non-Indigenous citizens, up 42% since 2006. School boards must also recognize the need for education programs to respond to the need for age appropriate curriculum on residential schools, treaties, and Indigenous peoples' historical and contemporary contributions, to grow the knowledge and awareness of all students, as

recommended by the Truth and Reconciliation Commission in 2015.

The Role of First Nation Trustees

Under regulation, First Nation Trustees (otherwise known as *Trustees to represent the needs of Indigenous Students*) are appointed to a school board by their community when Indigenous students of the community attend the board's schools under an ESA. The Regulation sets out the conditions governing the number of First Nation trustees that boards having one or more ESAs in place can appoint. These are:

- Where the number of Indigenous students enrolled in the schools of the board is fewer than the lesser of 10 per cent of the average daily enrolment and 100, the board has the discretion of appointing a First Nation trustee to the board.
- Where the number of Indigenous students enrolled in the schools of the board is more than 100, the First Nation(s) may name one person and the board shall appoint that person to be a member of the board.
- Where the number of Indigenous students exceeds 25 per cent of

the average daily enrolment of the board, the First Nation(s) may name two persons and the board shall appoint those persons to be members of the board.

A person appointed to the board to represent the interests of Indigenous students is deemed to be an elected member of the board, with all the rights and responsibilities of the position. The role of all trustees is to help create the vision and set the strategic direction that will guide the board and its schools. As the

representative of Indigenous students, the First Nation trustee is in a unique position to ensure that Indigenous culture is part of that vision and that the strategic direction of the board includes the interests of First Nations.

The First Nation trustee is responsible for:

- Ensuring that the actions of the board reflect the education services agreement
- Ensuring that both parties to the agreement are fulfilling their obligations





- Ensuring that mechanisms are in place for effective accountability to the First Nation community
- Ensuring a high-quality academic and cultural education for Indigenous students
- Ensuring that Indigenous students are free from any expression of racism and harassment as students of the board's schools.

The First Nation trustee has a key role in representing the interests of the First Nation communities at the school board level and ensuring that there is dialogue with the First Nation communities about the work of the board and, in particular, matters affecting Indigenous students. The First Nation trustee is also in a position

to encourage the involvement of the parents and the First Nations communities in their students' education. This value is embedded in Ontario's First Nation, Métis, and Inuit Education Policy Framework.

A majority of Ontario school boards have established First Nation or Indigenous Advisory Committees. These provide a forum for discussing Indigenous education issues and contributing to initiatives that ensure the implementation of the First Nation, Métis and Inuit Policy Framework within the board. In 2016, school boards were required to develop board action plans on Indigenous Education and a position – the First Nation, Métis and Inuit

Education Lead – was created in each school board to support the development and implementation of the First Nation, Métis and Inuit Policy Framework. In these advisory committees, the First Nation trustee is usually the chair or co-chair, and membership includes the First Nation, Métis and Inuit Education Lead, and a representative from each First Nation that has students in the board's schools. Some ESAs also specify First Nation representation on the school board's Special Education Advisory Committee (SEAC). Where a First Nation trustee is required by regulation to be a member of the board, the SEAC must also have one or two First Nation members to represent the interests of First Nation students.

Resources

A majority of Ontario school boards have strong structures in place to ensure vibrant Indigenous representation. More than 50 school boards have First Nation, Métis and Inuit Advisory Committees that provide for community involvement in issues affecting the education of Indigenous students.

The Ontario legislation concerning Indigenous representation on school boards is found in Section 188 of the *Education Act* and in Ontario Regulation

462/97: First Nations Representation on Boards. Other resources include:

- OESC Module 20: A Journey Towards Truth and Reconciliation for examples of models of Indigenous representation at school boards at <http://modules.ontarioschooltrustees.org/assets/templates/en/a-journey-towards-truth-and-reconciliation.html>.
- Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) at www.canada.ca/en/crown-indigenous-relations-northern-affairs.html.
- Ontario First Nation, Métis, and Inuit Education Policy Framework, 2007 at <http://www.edu.gov.on.ca/eng/aboriginal/fnmiFramework.pdf>
- Truth and Reconciliation Commission of Canada Final Report, 2015, at www.trc.ca.
- The Journey Together: Ontario's Commitment to Reconciliation with Indigenous Peoples at <https://www.ontario.ca/page/journey-together-ontarios-commitment-reconciliation-indigenous-peoples?ga=2.76522453.1960615061.15270032371009809131.1527003237>.

- A Solid Foundation: Second Progress Report on the Implementation of the First Nation, Metis and Inuit Education Policy Framework, 2013, at <http://www.edu.gov.on.ca/eng/aboriginal/ASolidFoundation.pdf>.
- Strengthening Our Learning Journey: Third Progress Report on the Implementation of the First Nation, Metis and Inuit Education Policy Framework, 2018, at <http://www.edu.gov.on.ca/eng/indigenous/executive-summary-third-report-en.pdf>.
- The Education Service Contracts/Tuition Agreements Guidebook, 2011, at <http://www.edu.gov.on.ca/eng/aboriginal/3GTuitionProcess2.pdf>.
- Our Children, Our Future, Our Vision, First Nation Jurisdiction over First Nation Education in Ontario, Chiefs of Ontario, at <http://education.chiefs-of-ontario.org/upload/documents/resources/jurisdiction/ourchildrenourfutureourvision-2012.pdf>.
- Report of the National Panel on First Nation Elementary and Secondary Education, 2011, at <http://www.aadnc-aandc.gc.ca/eng/1373075023560/1373075345812>.
- Aboriginal Peoples in Canada, 2011, at <http://www.goodminds.com/aboriginal-peoples-canada-hardcover-ed>.
- Aboriginal Beliefs, Values and Aspirations in Contemporary Society, 2011, at <http://www.goodminds.com/aboriginal-beliefs-values-and-aspirations-hardcover-ed>.
- The Listening Stone Project Year Three: Lessons From First Nations, Métis and Inuit Collaborative Inquiry 2015-2016, requested by the Council of Ontario Directors of Education (CODE) includes 44 district school boards, at http://www.ontariodirectors.ca/downloads/Listening_Stone/LSY3_Report_Nov_1_2016-Final.pdf.