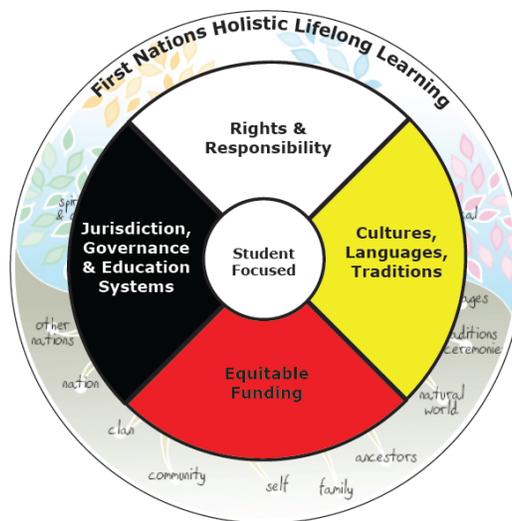


Assembly of First Nations

Summary of the National Panel on First Nation Elementary and Secondary Education for Students On-reserve

“Nurturing the Learning Spirit of First Nation Students”

NATIONAL WEBCAST FEBRUARY 15, 2012



By the AFN Special Rapporteur
Dr. Rose-Alma J, McDonald
February 21, 2012

Executive Summary

This document summarizes the AFN Webcast conducted on February 15, 2012 regarding the National Panel on First Nation Elementary and Secondary Education Final Report. The webcast was moderated by the AFN Special Rapporteur, Dr. Rose-Alma McDonald, and the presenters were National Panel Chair, Scott Haldane and Panel Member, Caroline Krause.. Following the presentation of the National Panel report First Nation representatives participated in a live question and answer period with the National Panel members.

National Panel Presentation

During the webcast the National Panel reported that they were asked *to lead an engagement process to develop options, including legislation, to improve elementary and secondary education for First Nation children who live on reserve*. They explained that as a result of this mandate the key theme for the National Panel final report evolved. The theme was “Nurturing the Learning Spirit of the First Nation Learner.” This theme emerged from what the Panel saw and heard through the hosting of one national and eight regional roundtables, 25 school visits and over 60 key meetings, as well as engagements with First Nation students, parents, Elders, teachers, administrators, leaders, provinces, academics and others. Based on what the Panel experienced they explained that their report was about “doing better” for First Nation students as a national priority. This was based on the urgent need to reverse the huge disparities faced by First Nation learners in elementary and secondary education.

The Panel presented three principles of reform and discussed their set of five recommendations that have been designed to facilitate change and the “elimination” of the economic and labor market gap that exists between First Nations and mainstream society. Their three principles for reform are “to put children first,” create a new respectful relationship based on reconciliation, and mutual accountability where everyone in the system has accountabilities.

The National Panel’s five recommendations consist of the co-creation of a child-centered First Nation Education Act; the creation of a National Commission for First Nation Education to support educational reform and improvement; the creation of First Nation Education Organizations to provide support and services for First Nation schools and students; ensuring adequate funding to support a First Nation education system that meets the needs of First Nation learners; and to establish an accountability and reporting framework to assess improvements in First Nation

education.

The timelines proposed for implementation of these recommendations is expected to span over the next three to thirty six months.

Question and Answer Period

Webcast participants posed a number of different questions related to the National Panel findings. Key themes emerging during the webcast focused on special needs, the definition of child centered programming, acknowledgement of individual First Nation rights and their diversity and how co-creation of a First Nations Education Act would be manifested over time. There were also questions pertaining to the right to equal participation and the definition of co-creation as it pertains to the development of First Nation education legislation and a corresponding governance model. Additional questions focused on the ambitious timelines proposed by the National Panel for implementation of its recommendations.

The National Panel presenters stated that while timelines were ambitious they were also meant to be an *urgent call for action* to address the critical problems facing First Nation education communities. They also stressed the need for reconciliation among First Nations, the federal government, and provincial governments in order to create trusting and respectful relationships. Structural elements of a strong system are required based on accountability, strong partnerships and mutual accountability between First Nations, provincial schools and education organizations. A strong system also requires education services and supports for schools, educators and students as provided by national and regional organizations. The Panel emphasized that predictable sustainable funding is critical to address the current status quo of chronic underfunding.

The webcast concluded with an overview of next steps which will be contingent on a timely response from AANDC Minister Duncan. In the interim, the Special Rapporteur summary of the National Panel Report will be available on the AFN website, as well as the Panel final report “Nurturing the Learning Spirit of First Nation Students.”

Introduction

The following is a summary of the AFN Webcast regarding the National Panel on First Nation Elementary Secondary Education Final Report "Nurturing the Learning Spirit of First Nation Students."

The Webcast was moderated by AFN Special Rapporteur, Dr. Rose-Alma McDonald. The National Panel Chair, Scott Haldane and Panel Member, Caroline Krause (through Skype technology) were presenters of the National Panel Final Report. Panel member George Lafond sent his regrets

After introductions, the moderator, Dr. McDonald introduced Mr. Haldane and he and Ms. Krause proceeded to present a PowerPoint presentation of their final report.

Overview

Mr. Haldane noted that the Panel had presented their report to the Minister of AANDC and the National Chief on February 8th. He indicated that it had been a privilege to play the role of Chair. They met students, teachers, Elders, community leaders and were welcomed in First Nation communities across the country. They participated in spiritual ceremonies which included sweats and a blanket ceremony in BC that struck them significantly as they traveled across the country. He indicated it was a great privilege to be so welcomed by everyone.

He described how the Panel took the ceremonies and their role very seriously and tried to be the messengers for what they had heard from everyone. It was a new experience for them and they thank National Chief Atleo and Minister Duncan for the opportunity. They also are thankful for the support from the AFN and especially from the Education Secretariat, Director of Education and Special Rapporteur. The knowledge and advice from everyone was greatly appreciated.

Following his opening remarks, Mr. Haldane proceeded to describe what the National Panel had been asked to do. He indicated that the Panel was asked "*to lead an engagement process to develop options, including legislation, to improve elementary and secondary education for First Nation children who live on reserve.*"

He indicated that the first slide of their presentation captures the quotes from the various engagement participants about how important it is to find a new path forward and turn over a new chapter and to find important game changers. *Nurturing the learning spirit of First Nation learner* is the theme of the final report, he concluded.

Three principles for reform are offered in the report along with five recommendations, he said.

What the Panel Was Asked to Do

He went on to say that the engagement process was completed through the following activities:

- Visits to all regions, including the NWT and Yukon.
- Hosting of 8 regional and 1 national roundtable meeting.
- Visits to 25 First Nation schools.
- 60 key meetings
- Hosting of a dedicated Panel website, 1-800 line and Gmail account.
- Talking to students, parents, Elders, teachers, administrators, leaders, provinces, academics and others.

He indicated that it was a significant challenge to author the report and he underestimated how time intensive and complicated it would be. He stated that closing the gap will include a significant investment. We need circumstances to change and to ensure a quality education for First Nation learners, he said.

He went on to say that there was a major “gulp” reaction to the proposed timelines of the report, particularly because many of the recommendations are proposed to be implemented within very tight timelines – from three months to three years.

Doing Better for First Nation Students

Mr. Haldane indicated that their report was about “doing better” for First Nation students as a national priority. This was based on the need to address:

- significant disparities in education outcomes,
- education of First Nation youth not meeting personal needs of the child, nor those of the community and broader society,
- closing the gap which will require significant investment and effort, resources and determined leadership by many partners as a country that prides itself on equal opportunities and deep commitment to recovering from the residential schools' policies, we need to see circumstances change quickly; and
- lack of a grade 12 diplomas which can lead to a dependency cycle and social exclusion for First Nation learners.

The Demographics and Economics

Mr. Haldane explained the demographics and economics which impact the delivery of services to First Nation learners. They are as follows:

- there are 118,000 First Nation students who live on reserve,

- the registered Indian population is expected to grow from 407,300 in 2000 to 920,100 by 2026,
- there are 42% of registered Indians that are less than 19 years of age,
- between 2006 and 2026, 500,000 Aboriginal youth will enter the labour market,
- only 39% of First Nations youth between 20-24 living on reserve have completed high school,
- First Nation youth without a grade 12 education are twice as likely to be unemployed, and
- 70% of new jobs created will require some form of post secondary education.

In terms of economics, eliminating the education and labour market gap would result in the following savings:

- the social and economic impacts of not completing high school amount to \$10 billion over 10 years; by 2026, the annual GDP growth will increase by \$36.5 billion,
- there will be a cumulative output gain of \$401 billion over 25 years (between 2001 and 2026)
- by 2026, annual government expenditures would drop by \$14.2 billion
- there would be a cumulative government savings of \$77 billion over 25 years (between 2001 and 2026)

What the Panel Heard

Mr. Haldane and Ms. Krause described what they heard as follows:

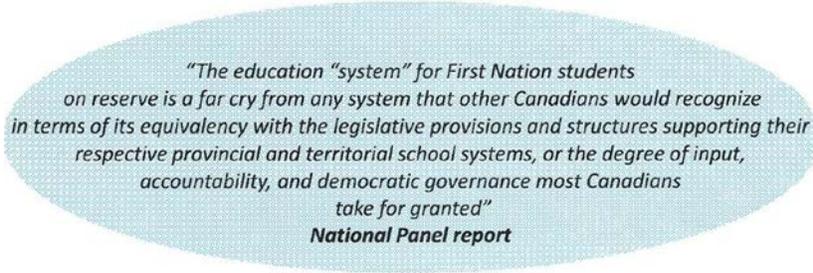
- First Nation youth expressed a yearning for respect and recognition.
- There is a desire for balanced education-career skills, that is also grounded in heritage and culture.
- First Nations want safe schools with adequate resources, dedicated and inspiring teachers and strong school leadership.
- They want the positive influence of role models and the involvement of parents which they see as fundamental to education success.
- Funding gaps and the way money is flowed is inadequate.
- Legislation: statutory funding and lack of second and third level services needs to be addressed.
- There is a lack of information and data on students.
- Language and culture is important.
- First Nation leaders and community members are committed to education based on local control and community involvement.
- There are a number of good examples of progress, innovation and preservation of culture and language across the country.

- We need to work together to ensure full learning potential is realized.

Ms. Krause explained that the First Nation education “non-system” is a far cry from mainstream Canada’s system. She indicated there is no real system of protection for education entitlement for First Nations. Devolution in the 1970’s did not allow for funding, policies, legislation, etc., she said.

She indicated that there has been a patchwork approach to education and stand alone schools have been doing everything by themselves.

The National Panel findings –First Nation Education Today



“The education “system” for First Nation students on reserve is a far cry from any system that other Canadians would recognize in terms of its equivalency with the legislative provisions and structures supporting their respective provincial and territorial school systems, or the degree of input, accountability, and democratic governance most Canadians take for granted”
National Panel report

Mr. Haldane then went on to explain that there is no system of protection of First Nation education entitlements; there is no legislative framework and roles and responsibilities of all parties are not established or accountable.

He went on to explain that education supports and services are fractured and are characterized by a patch-work approach. School board and ministry type services are lacking and economies of scale and efficiencies are not realized due to the patchwork approach to education.

He indicated that there are some good examples that exist across the country. He mentioned FNEESC, MK, Tshakapesh, Akwesasne and several others. Some programs also help such as FNSSP and EPP.

Along with First Nations schools there is an intersection with provincial education systems. Attention and support from provincial systems is critical to education reform. There is a lack of transitional support and accountability for First Nation students is needed from provincial schools to First Nations. There is a need to learn from First Nation pedagogies and for provincial schools to broadly educate students on First Nation history, culture and traditions.

Education Supports and Services

Reform is required to enable student success because there are inadequate supports.

They include:

- insufficient early and on-going assessment of children and youth,
- no regular reporting on education attainment and there is an absence of tools to follow student achievement,
- there are inadequate or non-existent early literacy and numeracy programs,
- there is the absence of a special needs system,
- there is limited funding and support for language and culture curriculum,
- there are poor school facilities and First Nation schools are not up to physical facilities standards,
- there is an inadequate range of foundational programs to support math, science and other base courses,
- there are limited programs for quality distance learning and there is limited availability of technology or library supports,
- there are poor quality athletic and recreation programming, facilities and resources,
- there are discrepancies in remuneration, institutional supports and benefits for school staff,
- there are no consistent practices, regulations or policies for teacher certification, regulation or discipline, and
- there is an absence of effective programs to ensure school attendance and there is a lack of school calendar consistency.

Principles for Reform

Mr. Haldane and Ms. Krause then presented their principles for reform. They indicated that there are three major principles:

Putting children first by providing needed supports for learners to excel, focus on a national strategy and being grounded in respect for unique rights. They also described 12 fundamentals of child centered education.

The second major principle is **reconciliation** which is based on a new and appropriate relationship between Canada and First Nation leaders and the need for an effective relationship with provinces. Reconciliation also needs to be based on values and processes that will lead to education improvements and political commitment.

The third major principle is **shared accountability** which is mutual where everyone in the system, including students, has accountabilities. This is only possible with common understanding; where responsible parties see, understand and share commitment. It must be developed and implemented on the basis of reconciliation and accommodation.

Structural Elements of a Strong System

The Panelists described the structural elements of a strong system. These elements consist of a child-centered First Nation Education Act, statutory funding and accountability and strong partnerships and mutual accountability between First Nation and provincial schools and education organizations. A strong system also requires education services and supports for schools, educators and students as provided by national and regional organizations.

The Panel Recommendations

There are 5 recommendations in the National Panel final report. They consist of the following:

- 1) Co-create a Child-Centered First Nation Education Act that outlines the roles and responsibilities of each partner in the system and establishes and protects the First Nation child's right to a quality education. [To be introduced to Parliament within 18 months, removing reference to residential schools from the Indian Act and acknowledging treaty and self-governing rights. This would apply to students in First Nation and provincial schools as outlined in Part 1 and 2 of the Act. First Nation agreements currently in place would not be affected by the Act.]
- 2) Create a National Commission for First Nation education to support education reform and improvement. [With an independent chair, guiding early implementation of the Panel recommendations, developing work plans for implementation and drafting the First Nations Education Act within 18 months.]
- 3) Facilitate and support the creation of a First Nation education system through the development of regional First Nation Education Organizations (FNEO) to provide support and services for First Nation schools and First Nation Students. [It is proposed that the Permanent Commission provide oversight to protect First Nation education rights. It may delegate some of these duties to regional education organizations. Much work needs to be done to ensure support services are provided. New governance models need to be developed along with common management methodologies. First Nations can opt in or opt out. The system can serve a number of schools through shared service arrangements which will be required. This will take some time to develop these entities. They should be First Nation driven within a timeline of 3 years.]
- 4) Ensure adequate funding to support a First Nation education system that meets the needs of First Nation learners, First Nation communities and

Canada as a whole. [Predictable sustainable funding is critical to address the current status quo of chronic underfunding. There are significant gaps in staffing, libraries, special needs, facilities, etc. Three immediate measures are proposed to address these gaps: increase funding by 2012-2013 equal to provincial schools; compensate for the gap for teachers by the next budget and increase funding to address reading needs by grade 3 as soon as possible. New funding is proposed to be needs based with a specific capital fund and emergency school repair and replacement fund.]

- 5) Establish an accountability and reporting framework to assess improvement in First Nation education. [This would include education indicators and measures, National First Nation education standards, an EIS system is needed that should link with other partners and OCAP should be respected.]

The timetable is to have an interim National Commission in place within three months, a permanent National Commission in 18 months, REO's in place within three years, immediate funding increases and the establishment of transitional funding within this fiscal year.

Next Steps

There are several next steps required following the delivery of the National Panel report. The National panel recommends the following:

- Establish an Interim National Commission within three months.
- Commence co-creation of a First Nation Education Act.
- Introduce legislation in Parliament within 18 months.
- Co-create a National Commission within the new Act.
- Develop First Nation Education Organizations and shared service agreements within three years.
- Develop new statutory funding formula within the new Act.
- In the meantime, relieve funding pressures for First Nation schools.
- Establish transitional funding, accompanied by performance measures, reporting and accountability requirements to ensure dedicated implementation of the Panel recommendations.

Other Considerations

Other considerations of the National Panel are seven school level priority investment areas. They include:

1. support programs that are designed to improve attendance,
2. support programs that are designed to focus on recruitment, training and retention of well-qualified and highly effective principals,
3. support programs that focus on recruitment, training and retention of well-qualified and highly effective teachers,
4. support programs that focus on creating positive school social environments,
5. support programs that introduce reading in the early years to all students and implement or enhance reading recovery programs for special needs students or those experiencing difficulty learning to read,
6. support programs that attract and retain students and improve academic success, such as sports, art and music and other school-based extracurricular programming, and
7. support trades programs for high school students to develop skills and interest in pursuing further the skills that will lead to a productive career.

Important Investment Areas

Three other important investment areas for consideration include:

1. support building confidence, self-esteem and resiliency among First Nation students through programs that emphasize First Nation languages and cultures,
2. support programs that accurately assess special needs, especially at the early primary level, and provide individual learning plans, and,
3. support initiatives that provide connectivity and technology equipment, training and content to schools.

Conclusions

Mr. Haldane and Ms. Krause presented their final conclusions as follows:

- childhood lasts 988 weeks, and school years pass more quickly,
- the current system poorly prepares students to take full advantage of education and career opportunities,
- access to quality education is the right of every child,
- there were immense challenges in developing recommendations that respect the complexities of First Nation education,
- the fundamental desire of the Panel is to place students at the centre of education reform,
- this path forward challenges the status quo,
- the Panel believes that reform must be based on the principle of reconciliation, respectful dialogue, mutual undertakings and accountability and renewed relationships, and
- we need to develop a system that will nurture the learning spirit of First Nation students.

The Panel representatives concluded their presentation by saying the right to quality of education for children is the basis of challenging the status quo which is required to “nurture the learning spirit.”

Dr. McDonald concluded the segment by thanking Mr. Haldane and Ms. Krause for their comprehensive presentation. She indicated that there has been a lot of thought and effort that has gone into their very thorough report. She further indicated that we appreciate the dedication and effort that the Panel put into this work that was very ambitious and bold in terms of systems reform as proposed.

She went on to ask what the reaction of Minister Duncan has been so far. Mr. Haldane responded by indicating that the Minister needs time to assess the report. The biggest response has been that the timetables are aggressive. The Panel has asked for a response within a month of the release of the report.

Dr. McDonald closed the segment by indicating that after a short break the Panel would come back to answer questions from the Webcast audience.

After the break Dr. McDonald welcomed the Webcast audience back. She indicated that about 13 questions had been received for the Panel to respond to. She then went on to introduce the first question which was pertaining to First Nation students with disabilities. The question and answer forum is summarized below:

Questions:

Students With Disabilities

In my engagement with education I've seen a large number of First Nation students who have disabilities. Often because of the remote location these needs aren't being addressed. What do you think should be done to address the needs of exceptional students to ensure their success? [Bruce Warnsby]

NP Response: People are making their best effort to move forward. Students need better access to special needs resources. The Panel recognizes the need for building education systems to meet student needs. It is a double edged sword. Proper assessments are problematic and many First Nation learners are being over assessed. Proper assessments are required.

Equal Partners in Design

The next question was from Chief Rose Laboucan, Driftpile First Nation, Alberta. She asked: How would the National Chief and Minister ensure that First Nations become equal partners in a design of an education system, Act or legislation when many are concerned there is a predesigned Act done for us already? Also, what assurances do we have that this Panel's report does not become another trophy wasting taxpayer's money, like the RCAP report and others?

NP Response: The Panel has been very consistent to focus on reconciliation. Co-creation is the only way to go. It is time to turn the page. We would be frustrated if nothing happened and hugely disappointed. All Canada has to be involved. The National Chief and the Minister have personally committed to the results of this work. This is an investment. All media agrees that First Nation education is underfunded. The situation is urgent and the time for change is now.

The Panel used a video produced by Treaty 8 to illustrate the needs and realities of First Nations education. We need to follow the three principles of reconciliation, responsibility to work together and mutual accountability by all three parties: the Federal government, the provinces and First Nations.

Co-creation is a radical idea and from the Panel's knowledge there is no evidence of a pre-designed Act. Furthermore, there is an opt in and opt out clause featured in the proposed legislation. First Nations have the option to become a part of the First

Nation Education Act or stay with the Indian Act. The Indian Act, however, does not respect culture and language. Part 1 of the proposed Act applies to First Nations schools only, part 2 applies to all schools.

Permanent National Commission

Dale Awasis, Director of Education, Treaty 8 First Nations of Alberta asked: Would the proposed Permanent National Commission be a national super school board? Have you considered the implications on First Nations locally and regionally?

NP Response: Co-creation would establish the fundamentals in education. The National Commission can delegate responsibilities. The Panel wants to ensure First Nations are all supported. The National Commission is not intended to provide direct services to schools, it is designed to track progress, oversee implementation of the Panel report and outcomes. It can delegate responsibilities to regional organizations where they are ready. The goal of the Panel was to respect First Nations control of First Nations education and to ensure federal and provincial responsibility.

Strategic Plan for Moving Forward

A Child Centered Leader asked: The next steps belong to First Nations with endorsement that goes beyond “aspirational” coming from the federal government. What is the strategic plan to go forward, keeping in mind the diversity that exists in Canada, as we are individual First Nations?

NP Response: The panel would be disappointed if the timelines were aspirational. They are meant to be timely to get the work done. We need to maintain autonomy of First Nations. The challenge is to build a national structure while supporting local autonomy and advocating investment based on what has already been done e.g. FNEC in BC.

Child-Centered Education

A Child Centered Leader further asked: Does your final report imply that First Nation schools are not already child-centered?

NP Response: No it doesn't. The Panel saw First Nation students with enormous potential. It is not the case of children who can't learn. Many have dedicated their career to putting the child first. Systems and resources have been inadequate to meet the needs of First Nation learners. Underfunding demonstrates the lack of focus on the child. This is not the fault of First Nations. Supports are needed at secondary schools to address student drop out rates. Support cannot drop off at secondary schools when it is so critical to keep First Nation learners in school.

QUESTIONS IN FRENCH (Translation)

UNDRIP Right to Education

The report states principles that emphasize the right of children to an education that reinforces their identity, culture and language, and that respects treaties and Article 14 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

This kind of concern or commitment is not manifested in Minister Duncan's declaration on page four of the report, nor was it manifested in the Prime Minister's speech during the Crown-First Nations meeting.

In Canada's response to questions addressed about the UNDRIP, and in its arguments to have the case dismissed before the Canadian Human Rights Commission, Canada contends that it is under no obligation to take international conventions into account if they are not integrated into Canadian legislation and evidently, Canada has not shown its intention to take them into account in legislation.

What is the National Panel's opinion and what action does it intend to take if the federal government continues to be deaf to the rights and impetus implied by the UNDRIP?

NP Response: The focus of the report is to respect the right to language and culture. The UNDRIP does not require the government to commit into law certain rights e.g. language, culture and identity. The Panel consistently heard from First Nations students the need for transitions.

Adequate Funding

The Panel's position is that adequate funding cannot only be guaranteed by legislation. For its part, the government is suggesting an improvement in funding conditional to a tripartite agreement.

Pages 1 to 14 of the report refer to initiatives and practices from which lessons can be learned, including an "Education Act." The Panel then mentions that despite this, there was some frustration in relation to inadequate funding, special needs and support for cultural identity, language and transmission of First Nations traditions and knowledge.

Has the Panel learned the lesson that general federal legislation on education is not a guarantee of adequate funding, but that a commitment to agree on an adequate funding formula is?

NP Response: It is not correct that only legislation can guarantee funding. The Panel concluded that First Nation education is underfunded. FNEC did work on service based/needs based funding. There is a need for a new formula, for example, the way provinces fund their school boards on the basis of need, student needs and isolation factors for remote schools. The recommendation was for statutory funding - funding that addresses all First Nations needs and protects funding through legislation.

Definition of Child-Centered

Anishaabe kwe asked: I am interested to know what the Panel means by child centered. I realize this presentation was a snapshot and I will look at the report for more details regarding the Panel views on “child centered.” Healthy families, communities and nations can all help to lead to good education.

NP Response: The focus is on the rights of the child. There are a dozen examples of First Nation student rights in the report. The rights should be defined and a system built around these rights and/or vision. Some examples of these rights are sound facilities, safe buildings, enabling student success, literacy and numeracy, etc.

Orders for Co-creation of Legislation

Murray Maracle from Ontario asked: Are we as Aboriginal nations going to be equal partners as we move forward? Are we going to have equal say in developing the orders for the creation of legislation or are we brought in after the fact as advisors?

NP Response: The only way forward is co-creation along with First Nations and the federal government. It must be First Nations writing legislation shoulder to shoulder as equals and co-drafters. The federal government cannot impose. There is equality at the table and on the co-drafting, see page 45 of the report, the last paragraph concerning respectful dialogue. The Panel heard the concerns of First Nations regarding the legacy of residential schools and of the colonial approach of government. First Nations told the Panel it won't work. There needs to be a respectful relationship. The goal is FNCFNE. There will always be some form of control by government and the Panel is not advocating for tripartite agreements. The Panel wishes to encourage the provinces to learn from First Nations

The Panel recommended First Nation control in making the decisions in the design, development and delivery of education for First Nations. The provinces and the federal government cannot say, it is not their problem. The reform process needs to be co-created and become the responsibility of regional organizations. Co-creation at this stage is necessary before getting to First Nation control of education.

First Nations are no longer junior partners based on the Indian Control of Indian education policy of 1972. First Nations and government have to work together to achieve common goals.

Recommended Time Lines

Andre Morriseau from the Chiefs of Ontario asked: In the event that your recommended time lines are overlooked based purely on fiscal restraint, what will your response be and how do you think First Nations across the country will react?

NP Response: The Panel no longer exists. The Panel no longer has a role, the panel mandate has ended. There is no formal role of the three Panel members. Five organizations wrote letters and asked the National Chief and the Minister to work together and act on the Panel recommendations. This requires everyone to get serious. The Panel is hoping to see something in the upcoming budget announcement. The timelines are aggressive and it will depend on First Nations and the government to act swiftly. The expectation is that everyone will need to move faster than ever before. It requires everyone to get serious about this. First Nations need to be actively involved in ensuring these timelines are met. First Nations are powerful in numbers and we need to make our voices heard.

Funding and the Need for Legislation

FSIN education asked: It didn't take legislation for the 2% cap being administered in 1996, why should legislation be needed for AANDC to step up to the plate and provide equitable funding that is provided equal to provincial schools?

NP Response: There are quite a few recommendations that could be moved on. Legislation is necessary to protect the rights of First Nation children to education. The federal government bureaucracy needs to decide to move forward. There are steps that can be taken with or without legislation. First Nations have often not been well served by legislation that has been imposed upon them. Legislation is needed to protect children and funding levels for First Nations education. The Panel has found that legislation is the best way to ensure government action.

Political Will and Cooperation

Dianne Roach, Garden River and Batchewana First Nation, Ontario asked: In response to a First Nation Education Act, help us understand how the federal and provincial government will work together with First Nations to move forward in developing an Act where past experience clearly indicates that this cooperation and political will does not exist between the two levels of government? For example, Jordan's Principle.

NP Response: The Panel chose to establish child focus principles in the spirit of reconciliation. There appears to be some evidence to be able to succeed. In the current fiscal crunch we still need to move forward with First Nations as equal partners. The Panel saw that provinces are realizing they need to do better. We need to do more to hold each other accountable. One First Nations leader said without legislation, it will be difficult to hold the federal government accountable. The only way forward is co-creating legislation. This is a new era, we have to believe, and we have to be hopeful.

Administration of Funding to First Nations

Will the National Commission administer funding to First Nation education organizations?

NP Response: The Panel doesn't see the National Commission as a funder. Funds could flow from the federal government to REO's to First Nations. Money to the provinces would transfer as a different part of this. There needs to be an adjustment of funds especially to the provinces when First Nation learners drop out of school.

In terms of funding to the provinces there is no recommendation regarding more funding being transferred to provinces. If students drop out and funding doesn't come back to First Nations, there needs to be an adjustment to provincial funds when students drop out.

What Have we not Seen Before

What is "new" in your recommendations that we have not seen before?

NP Response: The three principles should be the guidelines to guide reform. The 5 recommendations are interconnected to build a system; you cannot take one without the others. The timelines are serious, urgent and action focussed. They can't be achieved unless First Nations and the Minister are prepared to do things differently. This is not business as usual. What is also new is that the report is based on reconciliation, it is child centered and there are time lines attached to implementation of the recommendations.

Duty to Consult

FSIN education asked: How does the "aggressive timeline" of the NEP recommendations allow for the "duty to consult" with First Nations and "free, prior and informed consent" that is required by the United Nations Declaration on the Rights of Indigenous Peoples?

NP Response: This will definitely be challenging. The Panel heard from leaders across the country that it is possible to get this done within the time frame. The Panel's goal was to express urgency to the timelines. The parties need to negotiate the timeframe and what needs to be done. First Nations and Canada will have to look at this, see what's feasible and how to get it done. This needs to be done quickly and urgently.

Mr. Haldane offered to respond to any other questions that were submitted, given that time had run out for the dialogue, by having any additional comments and questions sent to AFN.

Dr. McDonald wrapped up the session by thanking Mr. Haldane and Caroline for their comprehensive presentation. She expressed appreciation for the dedication and effort that Mr. Haldane, Ms. Krause and Mr. Lafond put into this work.

She indicated that one of the next steps will be to wait for the timely response of Minister Duncan.

She further indicated that her Special Rapporteur summary of the National Panel report will be available on the AFN website along with her report of the National Panel engagement process.

She closed by indicating that more opportunities for dialogue are envisioned and follow up information will be available on the AFN website.

She thanked everyone for participating and signed off the webcast.