Assembly of First Nations
Education, Jurisdiction, and Governance

Jurisdiction Principles in First Nations Education

Components of an Education Framework For First Nations Jurisdiction over Education

Kahontakwas Diane Longboat, M.Ed.

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First Nations Education legislation: Comparability Table
1.0 Purpose

The purpose of this paper is to offer suggestions and options for First Nations who are considering jurisdiction over education. Various aspects of education legislation of the Provinces and Territories are presented in Appendix 3 from an Assembly of First Nations reference paper titled, “First Nations Education Legislation: A Comparability Table.”

2.0 Background

“First Nations peoples understand that learning is a formal and informal, instinctive, and experiential lifelong journey, encompassing early childhood learning, elementary and secondary school, career, vocational and technical training, post-secondary education and adult learning. The primary role of holistically balanced First Nations learning system is to transmit First Nations ancestral languages, traditions, cultures and histories, while at the same time preparing and making accessible to the learner the support and tools that will allow them to achieve their full potential in any setting they choose.” (FNCFNE, 2010)

The past year of 2011-2012 has born witness to the emergence of First Nations education as a matter of national urgency among First Nations Governments with agreement from the Federal, Provincial and Territorial Governments in Canada. The burgeoning First Nations youth population is clearly reaching new heights in educational accomplishments, yet disturbingly, a greater percentage of Indigenous youth have been lost to early school leaving, dropping out or walking out. The construction of new schools in First Nations territories is decades behind schedule, the repairs needed on existing schools equally belated. The lack of equity in First Nations education is painfully evident in the absence of language teaching, culturally responsive curriculum and pedagogy, and the critical pillars of second and third level services required in any modern education system in North America.

3.0 The Time for Action is Now

A number of very significant reports were produced during the period of 2011-2012. Three important regional reports were received from First Nations organizations as well as two from the Government of Canada.

The report of the Standing Senate Committee on Aboriginal People titled, “Reforming First Nations Education: From Crisis to Hope” and the report of the National Panel on First Nations Elementary and Secondary Education for Students on Reserve jointly authorized by the Assembly of First Nations and the Government of Canada have pointed to the emergence of a new era for the development of a respectful, renewed and principled relationship between First Nations Governments and the Crown. Centuries of divestment have led to inequities that will no longer be tolerated by the Canadian public. The watershed year has arrived and significant work must be done for the creation of foundational elements to construct the infrastructure for an equitable, state of the art First Nations education system.
Valuable information has been gathered over the past year, commissioned in papers to forge a pathway for transformations in First Nations education that are clear and well supported by First Nations leadership. “Goals of First Nations Education” articulates the premise for a mandate in education based on jurisdiction over education for First Nations Governments constructed on Treaty and inherent rights, lifelong learning systems that are comprehensive and integrated, systems that are respectful of regional diversity based on the cultural and linguistic standards of the respective Nations and supported by entrenched funding systems for long term, stable and equitable funding formulas.

“Comparable Education: Is There a Place for Comparability in First Nation Control of First Nation Education?” offers guidance for an understanding of equity for First Nations education, a view of comparability based on educational opportunity while cautioning the need to avoid misinterpretations of comparability based on old definitions. The need for principles in any discussion of comparability is imperative. Since Canada remains the only developed country in the world that does not have national standards for education, the exigency for collaboration for agreed upon principles is crucial.

In order to grasp the breadth of education law in Canada, and to examine the impact of using legislation to drive education reform, the paper, “Comparing Provincial and Territorial Education Legislation’ by Ian Peach was commissioned. The caveat that legislative changes alone are unlikely to create practical improvements in the lives of the students, but that legislative reforms can set new policy, is a hopeful course of action. Policy innovations at the provincial and territorial levels have been supported by legislation and do provide measures for designing a governance framework in education and ensuring fiscal accountability that can inspire those collaborating on components of jurisdiction over First Nations education. The analysis of the reforms in Ontario from 1995-1999 revealed the success of the process because it took advantage of engaging participants in an interactive process and increased the capacity at the school level to adopt change. Lessons learned from other jurisdictions provide a course of action for the innovations under consideration when designing the components of jurisdiction for First Nations education.

The discussion paper titled, ‘National Framework on Education” articulately presents a brief legal history of First Nations education, current gaps and barriers, some positive movement forward in Self Government agreements in education, along with critical issues of concern to be determined in any discussion for a new framework in First Nations education. Those issues are First Nations control, educational quality, the legal mechanism for jurisdiction, equitable sustained funding and language and culture as a foundation for educational renewal. The discussion within this paper also raises questions around the need to develop a National Commission as a technical body to monitor developments and address issues arising from First Nations control and jurisdiction over education.

The information in Appendix 3 on, “First Nations Education Legislation: Comparability Table” is fundamental to the understanding of field. The chart reveals the First Nations educational policies, the Provincial and Territorial education legislation, Federal policy and legislation and current First Nations education legislation. The view of the field allows for important distinctions to be viewed between areas of current jurisdiction in education. The chart also shows the critical need for First Nations jurisdiction to be established, the need for the design of educational infrastructure at all first, second and third levels and sustained funding to transform First Nations education from a
fragmented and complex system to one that ensures seamless delivery of high quality educational programs and services embedded in culture and language with ownership by First Nations citizens.

The kinds of information provided for by these reports and comparative charts form a guide for First Nations education discussions on the transformation of an archaic system into a 21st century integrated, state of the art system of lifelong learning. The reports will guide First Nations education developments into the future.

The key to educational reform at the highest levels is relationship building between the Crown and First Nations, forming bonds of trust, engaging in the tough discussions where answers are not readily in hand, tackling ancient impediments to progress, embracing collaboration where little has existed in the past and establishing political will for equitable educational opportunities for all First Nations citizens and all Canadians.

Critical to the success of any endeavor to institute change in education is the requirement for direct engagement with First Nations from the initial design stages in the development of legislation that directly affects their children for generations to come. Consultation planned with First Nations, only after legislation has been drafted by the Government of Canada, is not an acceptable course of action in the 21st century. First Nations must feel ownership in the process for success to manifest in this challenge.

Four pillars mark the trail ahead: jurisdiction, funding and accountability, education standards and language and cultural traditions.

The points of discussion within this paper support those First Nations who may be going forward with the Government of Canada to pursue reforms in education that are founded on their jurisdiction over education.

The existing legal framework provided by the Indian Act is unacceptable and must be replaced by a new legal framework that will recognize and enable First Nations to exercise their jurisdiction in passing their own First Nations education laws, some of the elements discussed herein, while also ensuring the commitment of the Government of Canada for the provision of funding.

The next section will present some ideas to be considered in any discussions between First Nations and the Crown going forward that will imply changes in legislation, jurisdiction, control over education, funding mandates and the determination of educational standards. Implicit in this discussion is the need for the Government of Canada and the Governments of the Provinces and Territories to understand that amendments to the Indian Act and Education Acts of the Provinces and Territories respectively are essential to vacate the field to First Nations jurisdiction in education for their people. Alignments in both federal and provincial laws to accommodate First Nations jurisdiction over education are fundamental.

The four pillars of First Nations education systems have been expressed in the “Goals of First Nations Education” as jurisdiction, equitable funding, language and culture and educational standards that meet or exceed those of the Provinces and Territories. The comparisons of Provincial and Territorial education legislation have been charted in the paper, “Comparing Provincial and Territorial Education Legislation”. References herein
also include information drawn from the chart on “First Nations Education Legislation: Comparability Table.”

4.0 Jurisdiction

Authorities

- Aboriginal Rights, Treaty Rights in Treaties #1-11, Inherent Rights form the new relationship with the Crown regarding First Nations education


- Constitution Act, 1982


- Honour of the Crown

- Treaty Principles in Education

- Inherent Right of Self Governance-Responsibilities, Authorities, Maintaining Treaty Relationship

- Respecting First Nations Bilateral Education Agreements in force or under negotiation

- Respecting First Nations Tripartite Education Agreements in force or under negotiation in British Columbia, Nova Scotia, New Brunswick, Manitoba, Alberta, Prince Edward Island, Saskatchewan, Ontario


- Respecting Nunavut Land Claim Agreement

- Respecting James Bay and Northern Quebec Native Claims Settlement, 1976

- Respecting North Eastern Quebec Agreement and Cree-Naskapi of Quebec, 1984

- Respects the authority of Self Government Agreements in force in Canada and those under negotiation
• Respecting Sechelt Indian Band Self Government Act, 1984
• Respecting Yukon First Nations Self Government Act, 1994
• Respecting Nisga’a Final Agreement and Nisga’a final Agreement Act, 2000
• Respecting Tlicho Land Claims and Self Government Act, 2005
• Respecting federal and provincial Acts in Education, Schools
• Respecting existing First Nations Education Codes, Nation Laws on Education as Instruments of Self Determination
• Opting in or out of the First Nations Education jurisdiction principles for control of First Nations education
• Treaty Rights, Aboriginal Rights, Inherent Rights and Constitutional Rights will not be diminished or adversely affected
• Federal, Provincial and Territorial laws relating to the education of First Nations citizens will cease to apply where a First Nations Government has decided to take over jurisdiction of First Nations education; a realignment of such laws occurs to support First Nations jurisdiction over education
• Provincial and Territorial Education Acts and School Acts vacate the field to the jurisdiction of First Nations Governments when the First Nations government has decided to take jurisdiction over education
• Federal alignment of laws recognizing of the inherent right to Self Government for First Nations in the field of education, language and culture and meeting the educational needs of its citizens
• Repeal of the Indian Act sections 114-122 on education for those First Nations who opt in to their own First Nations education jurisdiction principles without diminishing the Constitutional obligations of Canada
• Locus will be the First Nations Government and any aggregate deemed valid by the First Nations Government
• First Nations Government will undertake legislative, executive, administrative and judicial functions based on agreements consistent with the inherent right of Self Government
• Agreement on Education between the Crown and First Nations Government will confirm First Nations Government jurisdiction over education, and affirm the Honour of the Crown and its obligations for funding
• Jurisdiction includes, but is not limited to, maternal infant care, pre-school education both regulated and private, elementary and secondary school education, immersion programs for language and culture, land based learning, special needs education,
adult education, training and post-secondary education, assessments, measurements, curriculum content and standards, teacher competency standards in linguistic and cultural competency

- Jurisdiction also includes but is not limited to facilities for learning, transportation, equipment, administration, education standards, accreditation of cultural competency for teachers in First Nations school systems, labour laws and standards

- The First Nations Education jurisdiction principles are concluded without any prejudice to the existing Treaty and Aboriginal rights of First Nations that exist pursuant to the Constitution Act of Canada, 1982

- First Nations Education jurisdiction principles are not a treaty within the meaning of the Constitution Act of 1982 or the Indian Act, Section 88

- First Nations Education jurisdiction principles will not affect the ability of the First Nations to access or participate in or benefit from any program or service generally available to the Canadian public

- The Inherent Rights Policy of Canada does not apply to the development of First Nations education jurisdiction

- First Nations jurisdiction over education applies to the First Nation, its lands, territories and possessions, its citizens residing on the lands of the First Nation or citizens dealing with the First Nation, residents, students and visitors on the First Nations land, any corporation, business, joint venture, contract or agreement conducted on First Nations lands, territories and possessions

5.0 Funding: Harmonizing Equity Payments in Education

- Comprehensive Transfer Payments and Equalizing Payments from the Federal Government and the Provinces and Territories in Financial Transfer Agreements to those First Nations maintaining jurisdiction over education

- Single Parliamentary vote to include all federal funding approved from all departments and agencies for First Nations education

- Equitable, Sustained, Multi-Year Long Term Funding

- Accountability measures are clear, consistent and comparable across Canada

- Funding transfer payments include the costs associated with assuming First Nations jurisdiction, capacity building at the community and regional levels, strategy formulation and resources for implementation

- Funding transfer payments will include the costs of regional and community based education infrastructure
• Equity is the most important means of achieving quality throughout an education system, compensatory measures to address disadvantage, economic and social return to society of a well-educated First Nations population in Canada

• Consideration for Geographic Location of Remote First Nations and Increased Costs

• Costs to cover administrative infrastructure for educational institutions, operating costs for such, public works and utilities, capital costs, geographic and demographic characteristics, training, delivery of programs and services, costs of emergencies or catastrophic events

• Mechanisms and Options for Education Funding

• Acknowledgement of Existing Funding Agreements and Those Under Negotiation as preferred options for those First Nations not part of the jurisdiction principles

• Elimination of the Education Division of the Department of Aboriginal Affairs and Northern Development Canada in respect of administration of this Act for those First Nations who are signatories to their own jurisdiction principles

• Fiscal flexibility for First Nations to ensure quality culturally and linguistically relevant education

6.0 Education Standards

• First Nations Education Standards will preserve Indigenous languages and cultures and promote citizenship while offering opportunities to students to develop to their maximum potential cognitively, physically, mentally, emotionally and spiritually

• First Nations Educational Standards developed by the First Nations or their aggregate representative will meet or exceed provincial standards

• Comparability of Educational Standards Across Provinces for transferability

• Equity in Education Services, Programs, Facilities in Relationship to Provincial Standards

• Transferability of Credits, Competencies across Provinces and School Boards or Divisions

• Linguistic and “Culture Added Value” as Indicators of Educational Success

• Student Performance Measures With Key Indicators

• Percentage of First Nations Teachers required should reflect student composition in the classroom; Teacher certification to meet Cultural Competency Standards; certification and licensing of Teachers will remain a provincial or territorial responsibility
• Physical education needs of students will be part of the school program, sports programs are essential to maintaining good health and a well-rounded educational program fostering character development among peers

• Special Needs children will have appropriate and timely assessment, treatment and placement in educational programs and their needs will be part of the Education Standards

• Enriched learning opportunities for exceptional children will be provided by the school and the First Nation as part of the Education Standards

• Safe Schools Standards will be comparable to provincial standards

• Education Standards will apply to all First Nations education activities from regulated early learning programs, elementary, secondary, post-secondary and adult training programs

• Compliance with Educational Standards through enforcement procedures and mechanisms in Administrative Procedures and Rules legislation (federal and provincial) and First Nations administrative procedures in jurisdiction over education

• Transportation standards will equal or exceed those of the Provinces and Territories

• Capital construction and building standards will equal or exceed those of the Provinces and Territories

• Equipment standards will equal or exceed those of the Provinces and Territories

7.0 First Nations Cultures, Languages, Spirituality, Traditions as the Foundational Elements of a New System

• Revitalization of Language and Culture is enhanced through the development of Culturally Responsive Education Standards applicable to all aspects of First Nations education at the school, Board and Regional Authority levels

• Culturally Responsive Education Standards includes but is not limited to curriculum, pedagogy, assessment tools, evaluation methodologies, teacher training, professional development opportunities, School Board guidelines, School Division guidelines will be developed

• Education system is founded on Indigenous societal values and traditions and Cultural Standards common to the Nation and the homelands they occupy for the transmission of traditional knowledge to future generations (Examples: work ethics, relationship values, resiliency values, serving the Nation, decision making, acquiring knowledge and skills, problem solving, sharing, altruism, working together for a common goal, environmental stewardship)

• Culturally Responsive Education Model for First Nations Schools utilizing instructional practices grounded in culturally and linguistically relevant contexts
combined with high academic standards to improve student academic outcomes in lifelong learning

- Role of Elders and Knowledge Keepers in all aspects of First Nations education
- Role of Traditional Knowledge in education and informal learning in local programming
- Ensure the ownership of First Nations ceremonies, science and intellectual property as collective ownership
- National First Nations Languages Strategy (2007) for goals, policy and objectives, develop orthographies of the languages, learning materials age and grade appropriate, promote fluency
- Role of Parents, Clans, Community in Education
- Action Plans, Targets, Performance Indicators, Goals and Objectives, Monitor and Assess Progress, Corrective Action, Report Results, Revisions

8.0 Principles

- First Nations Governments have jurisdiction over education systems in First Nations homelands
- Education leads to Self Determination within the distinct cultures and languages of the First Nations who have a unique place in history and in the political, economic and cultural heritage within Canada
- Education is a pillar of nation building to strengthen First Nations and ensure that they thrive in their homelands with the tools of modern society and grounded in history, culture and heritage languages
- First Nations leadership sets vision and guidelines for action; policies established for implementation by local First Nations experts in Regional Education Authorities supporting First Nations Schools
- Developing First Nations citizenship with positive self-discipline, self-concept and identity
- Cultural and spiritual traditions and languages are gifts from the Creator and must be taught to the First Nations children to ensure a strong collective future among all peoples; the cultural and linguistic paradigm is the model for First Nations education
- Parent and Community involvement is key to the authenticity of education and quality of cultural responsiveness in education
- Effectiveness of education is enriched by research and development, evaluation and assessment
• Education will include the history of Canada, governance, leaders and the history of the First Nation, relevant laws, treaties, agreements, great leaders, community leaders and role models

• Education is one of the primary instruments to eradicate poverty and inequity

• Education creates productivity, a matrix of diversity to transform Nation economies with self-determination, increased financial independence and sustainable systems

• Key supportive devices are science, technology, research and development and innovation for building strong First Nations

9.0 Purposes

• Education is a life-long learning system based on academic excellence and grounded in cultures, spiritual traditions, histories, homelands, languages and traditional knowledge promoting social and emotional competencies and optimal physical development of First Nations citizens for success in life individually and collectively for service to First Nations and to the global family

• All First Nations learners have the opportunity to achieve their personal aspirations within seamless comprehensive lifelong learning systems from regulated early learning and maternal infant care to elementary, secondary and post-secondary education and adult training programs

• Education policy will promote competence in First Nations languages, cultures and traditions through all First Nations educational institutions

• Education that is relevant, effective and appropriate will perpetuate the First Nations by preparing students to assume their responsibilities for the protection of the cultures, lands and resources with a thorough knowledge of First Nations governments, history, economics, culture and environment

• Graduating First Nations citizens with an excellent educational experience grounded in language and culture for strong identity and connection to the homelands with a view to service to First Nations’ community affairs or life elsewhere in Canada or abroad in a socially productive manner

• Increasing academic excellence among First Nations students, encouraging post-secondary education and other training opportunities

• Creating proficiency in First Nations languages as well as English/French languages or other languages

• Creating a culturally and linguistically rich learning environment for First Nations learners regarding Indigenous history, governance, economics, environment, health, and social services in combination with traditional knowledge
• Strategic planning of careers for the long term development needs of First Nations acknowledging economic and environmental trends over a 25 year period

• Measures of success valued by First Nations that include social, cultural, economic, political, cultural impacts are "culture value added" indicators

• Sound institutional foundation for education, strategic direction and informed action for a high quality education that is critical to a sustainable future for First Nations

• Parental and community involvement are needed to teach language and culture in the home and to participate in shaping the school environment so that Indigenous languages will flourish in fluency into the future

• Perpetuate inter-government understanding and coordination among Federal, Provincial and Territorial governments and First Nations to improve the state of First Nations education throughout Canada

• Traditional knowledge stand alongside competencies in English and French language skills and Canadian culture, government, economics and environment

10.0 Definitions

• Culture means kinship with all living beings, spiritual relationships, values, attitudes, behaviours, language, cultural protocols, rules or governing structure, languages, spiritual life and expression, arts, song and dance, individual and group development processes, learning and use of knowledge

• Educational standards refers to levels of performance or requirements demanded by educational institutions for successful completion of programs of study

• Educational data refers to attendance reports, achievement data, test results, evaluations, progress reports, language proficiency data, qualitative data, information on budgets and funding, staffing, employment policies, information about curriculum and instruction, information on social and economic variables, health and safety, school grounds and buildings

• Educators refers to Teachers, Counsellors, Administrators and other professional staff at schools, Para-Professionals including those “Equally Qualified" whose qualifications are deemed equal to that of professional staff

• Elders and Eminent Leaders are persons who possess knowledge/wisdom beyond academic degrees and are endowed with cultural and linguistic knowledge to be used throughout the education system

• Curriculum means a systematic planned program of study for students with culturally responsive goals, objectives, content, pedagogy, assessment tools, evaluation methods, reporting
• Educational Policies, Services, Programs means any educational directives other than curriculum

• Governing Body is the Regional First Nations Education Authority partnering with multiple First Nations or The First Nations School Board/Committee of the local community

• Parent means custodian of the child

The next section on Educational Systems or Infrastructure offers some thoughts on how the implementation process might proceed when jurisdiction over education is vested in First Nations Governments. First Nations Regional Education Authorities, the Principals, Schools, Community Education Councils and a National Commission as a national coordinating office are presented with their roles and responsibilities.

The work of the National Commission recommended in the report titled, “National Framework on Education” discusses a role for a national body to monitor education developments and address issues arising from the implementation of First Nations jurisdiction over education.

The importance of moving early learning and child care from federal and provincial agencies to First Nations authority cannot be underestimated. The progression of lifelong learning begins in the womb with maternal infant care. Early intervention with high quality early learning programs for infants and children from 0-6 years can shift the trajectory of the negative effects of trauma and poverty on the lives of young children. Research shows that early intervention can have lasting, positive effects into adulthood. Research findings determine that early learning and intervention can significantly change the genetic and neurological formation of the brain. In doing so, it is possible to alter the effects of early trauma, grief, abandonment and neglect leading to early sexual activity, teenage involvement in substance abuse, bouts of mental illness, anxiety or depression in later years or possible homelessness.

Seamless, integrated learning systems, controlled by First Nations Governments authorizing Regional Education Authorities to act collectively on their behalf or a local School Board in a First Nations community empowering the Principal(s) in local schools is the key to self-determination over education.

11.0 Educational Infrastructure or Systems

First Nations Regional Education Authorities

11.1 Responsibilities

Authority:

• Authorized by the Chiefs or First Nations leadership to be responsible for First Nations education as per Education Agreements and Nation Council Resolutions,
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Charters or other means to address membership, powers, authority, duties, composition, operations to support jurisdiction of First Nations education

Reporting:

- Report annually to the Chiefs
- Report annually to their member First Nations
- Role is to administer the First Nations Education jurisdiction principles
- Reports to First Nations leadership, Treasury Board, Parliament

11.2 Supporting Agencies

- Wisdom Council of Elders and Traditional Keepers of Knowledge supports the educational development work of the First Nation
- Regional Education Authorities create agencies as needed to implement its mandate
- Establish commissions to advise on education policies, research or legislation
- Regional Education Authority may establish a Teacher Qualification Board to specify qualifications needed to teach successfully in First Nations schools and determine the cultural and linguistic standards required of Teachers
- Develop agreements with Faculties of Education for licensing of Teachers, set accreditation standards for cultural competency, practice teaching placements, advise on recertification of teachers, counselors, other specialist teachers in the system, professional development training, accessing graduates for hire
- Regional Education Authority communicates with the Provincial and Territorial governments on changes in policy, legislation, standards that may affect First Nations education programs, assessment tools, teacher certification, graduation requirements, curriculum content
- Regional Education Authority develops a network of supportive agencies in social services and health and not for profits who may contribute to a high quality of service and programming in First Nations schools
- Colleges and Indigenous Institutes will provide training in a culturally responsive manner to First Nations members, staff and professional personnel, Early Childhood Educators, Teachers, Counselors, Para-Professionals, Principals and Superintendents
- Specialized training is established by the Regional Education Authority for all professional staff to address children with exceptional or special needs or gifted students
• Selects representatives to sit on Provincial and Territorial School Boards to represent First Nations

• Engages in reciprocal Tuition Agreements with Provincial or Territorial Boards of Education based on authority from First Nations Governments

• Develops contracts with suppliers for economy of scale in ordering supplies, books and materials

11.3 Appeals

• Regional First Nations Education Authority mediates disputes between parents and the school
• RFNEA may also elect to establish an Appeal Board to mediate

11.4 School Calendar and Instructional Hours

• Regional Authority or School Board sets calendar with the Principal and the Community Education Council in accordance with the cultural values and cultural customs or practices of the community

• Calendars can be adjusted

• Instructional hours are 6 to 7 hours per day

• School programs of study must be a minimum of 180 instructional days per school term

12.0 Employment Practices

Teacher Hiring

• Regional First Nations Education Authority or School Board hires Teachers, Counselors, Teachers in Training

• In the instance of no RFNEA membership, the First Nation through the Director of Education or the local First Nations Education Council or School Board will hire its education staff

• Regional First Nations Education Authority or School Board is responsible for employment terms and conditions, orientation, mentoring professional development, duties, resignation, pay, lay offs

• Elders are part of the school staff

• Teachers are public servants under the Regional Education Authority
• Employment incentives to attract high quality Teachers
• Seconding Teachers from other Boards to work for the First Nations School Boards or Regional Education Authorities; ensure a job guarantee on return to one’s home Board of Education
• Teachers set the classroom environment for First Nations cultures and languages to flourish as part of daily academic life and encourage students’ self-esteem and love for lifelong learning; research show that Teachers carry 30% of the capacity for student success
• Teachers with cultural competency receive pay incentives

13.0 Student Transportation

• Specialized transport for physically challenged students
• Regional Education Authority determines transportation guidelines, costs in line with Provincial and Territorial standards and access guidelines
• Regional Education Authority determines routes, sets schedule, budget and contracts with companies in consultation with the Principals of Schools in First Nations communities

14.0 Capitol Construction and Maintenance

• School buildings, teacher residences, equipment will be purchased, repaired and constructed according to the same standards as provincial school buildings, equipment and residential buildings requirements for teacher accommodation

15.0 Curriculum

• Establishes Culturally Responsive Curriculum Standards for First Nations Schools that meet or exceed those standards established by Provincial and Territorial Governments
• Develops educational materials for use in First Nations schools
• Ensures Curriculum promotes fluency in Indigenous languages and offers opportunities in land based learning for First Nations cultural traditions, spiritual traditions, traditional life ways on the land
• Develops orientation and mentoring programs for Teachers in the early years of service in accordance with the Culturally Responsive Education Standards in order to maintain an exceptional quality of pedagogy
• Ensures the curriculum content is founded on First Nations contexts of language fluency, in a bilingual, second language or immersion classroom setting

• Ensures the content of First Nations cultures in history, environmental studies, health, physical education, literature, arts, mathematics, science and geography

• Ensures programs for spiritual traditions of First Nations are available to those students whose parents agree, options for students and parents to opt out to take other courses of study

• Ensures culturally responsive pedagogy accompanies the curriculum

• Establishes a regional literacy plan

• Engages in research to form culturally responsive assessment tools and measures normed against an Indigenous population, reliable and valid

• Establishes milestones based on child development and cultural norms of the First Nations

• Establishes a curriculum of mastery, a spiral over the stages of child development and learning to cover the grade levels

• Establishes a Self Reflective tool for Teachers to assess bias and cultural competency

16.0 Education Standards

• Establishes education standards for the education system called Culturally Responsive Education Standards that meet or exceed those of the Provincial and Territorial Governments

• Assess how Culturally Responsive Education Standards are integrated into all levels of administration and educational programming

• Establishes Culturally Responsive Teaching Standards

• Establishes Culturally Responsive Qualifications and Teaching Standards for Early Childhood Educators

• Approves Local Programs for Accreditation in Informal Learning

• Establishes assessments and evaluation based on Culturally Responsive Education Standards and national academic standards

• Ensures proficiency standards in English or French for all students that meet or exceed those of the Provinces and Territories
• Establishes Culturally Responsive Curriculum Standards that meet or exceed those of Provinces and Territories, set the curriculum and programs of study

• Authorizes Schools and Principals to develop local informal programming for students based on the Culturally Responsive Education Standards for programs occurring outside of the school program

• Sets policy for student evaluation that are culturally responsive, national or regional, compatible with the educational milestones of standardized testing

• Establishes partnerships among First Nations Schools, Child Care and Early Learning Centres and Indigenous Institutes of Higher Learning for the seamless delivery of educational services to First Nations citizens

• Collects and analyses all School Success Plans to report to First Nations on targets and outcomes of educational programming

• Mentoring Teachers and Principals for professional quality of service to students

17.0 Education Policies, Programs and Services

• Authorizes a Textbook Bureau, library facilities, learning resources, access to communication, AV materials

• Authorizes cultural competency training for governments, School Boards, School Divisions, post-secondary institutions, policy makers, professional education personnel, support services staff delivered by First Nations experts and Elders, Knowledge Keepers

• Authorize in-service and pre-service training in cultural competency for Teachers of First Nations children

• Authorize alternative learning environments for First Nations students at risk to improve achievement and lower attrition

• Regional Education Authority sets policies for nutrition in schools, health and safety standards, anaphylaxis policies

• Regional Education Authority authorizes accommodation standards for students boarding away from their home First Nations communities

• Regional Education Authority authorizes school calendar, length of the school year, length of school day, hours of instruction, specifies duty of students to attend school, duty of parents to send their children to school, student discipline, transportation, all activities on school property, nutritional guidelines for schools, school closure for weather conditions or other community concerns, schedule for construction of new schools, closure of old schools, regulates private schools on reserve and home schooling, special transportation or equipment for special needs children
• Regional Education Authority sets programs for transitions between early learning and elementary school, elementary school and secondary school and secondary school and post-secondary level studies

• Regional Education Authority sets graduation standards

• The Regional First Nations Education Authority or School Board may develop social programs to combat social problems such a school violence, discipline or substance abuse in consultation with educators, community members, parents and students

• Circulate the policy for public comments, revise and submit to the Board of RFNEA for ratification, ensure the policy is in alignment with First Nation jurisdiction principles

18.0 Employment Practices

• Establishes Teacher qualifications for First Nations schools, employment standards, labour standards, collective bargaining, additional remuneration for specialist certificate for cultural competency qualifications

• Authorize partnerships with Faculties of Education for accredited cultural and linguistic competency training for Teachers, Counselors and Language Teachers in a specialized program of 3 years: 1 year in campus study on pedagogical training and school placements in different social and cultural contexts and 1 year internship in a school with reduced teaching allotment and continuing theoretical and methodological studies, 1 year of mentoring with a master teacher of cultural competency

• Authorize the employment of Elders and Eminent Leaders by the Regional First Nations Education Authority

• Regional First Nations Education Authorities determines Teacher working conditions, collective bargaining methods

• Regional First Nations Education Authority or School Board makes annual agreements with Principals of Schools to govern performance in management and the educational success of the school under their management

• Regional Education Authority or School Board issues Certificates to Teachers for authorization to teach in First Nations schools specifying cultural competency specialization, time period, level of university/college preparation, staff assignment based on level of academic attainment (Teachers must have a Bachelors Degree, Principals must have a Masters Degree, Superintendents must have a Doctoral Degree)

• Sets salary scales of Teaching Staff and Administrative Personnel

• Sets contracts
• Determines evaluation, dismissal of Teachers, bonuses, other credits

19.0 Budgets and Reporting

• Annual Report to Federal, Provincial and Territorial governments and to First Nations Governments

• Consults with Community to set Language Model, bilingual/immersion/second language with a review every 5 years

• First Nations School Boards have a Financial Code/ Nation Law to authorize accountability measures, reporting protocols, student records management and access, financial administration guidelines for Regional Education Authorities or First Nations School Boards, operational plans, goals, performance measures in financial administration of schools, Boards and Authorities

• Occupies all the powers of a School Board to make agreements with any individual, corporation, institution, or group, community, other School Boards, or governments

• Provides information on the operating budget to Schools

• Develops an infrastructure strategy for capital needs and construction
• Develop policies on school governance, personnel matters, staff conduct, student conduct, graduation requirements, parental involvement, academic policies, teacher evaluation and communicate the policies to administration, staff, students and parents

• Develop equity plans with compensatory measures to address disadvantage; focus on the schools for a resource profile; target the most vulnerable schools for investment

• Employs a Director of Education who is the principal administrator with the responsibility to hire staff, support the members of the Authority or School Board, act as the professional advisor to the Principals of the schools within the region, provide leadership in research, planning, evaluation of education services, manage budgets, data collection, reporting, network meetings of professional staff, on site assessment visits to schools with evaluation teams once every 3 years

• School Focused Planning at all times not teacher focused for critical needs to be met; adaptive, responsive, reflective, incisive

• Ensure the delivery of Curriculum, implement Informal Learning through Local Program

• Safe Schools policy to ensure all schools are safe and welcoming environments
20.0 Relationships with Universities, Colleges and Indigenous Institutes of Higher Learning

Training of First Nations Teachers remains a key goal of increasing the effectiveness of a culturally and linguistically authentic education with skilled and highly trained First Nations educators across all subject areas; more First Nations Teachers, Counselors and Language Teachers are needed and greater availability of specialized training programs offered in innovative formats to enable a degree of distance learning

- Articulation agreements with Faculties of Education, Colleges, First Nations Institutes need to be in place for greater training opportunities for First Nations classroom assistants and Indigenous language teachers to reach full certification levels

- Modes of distance learning, professional mentoring of teachers, and other innovative forms of teacher preparation must be examined to create an academy of First Nations Teachers, Principals and other school leaders

- Principals course for mentoring, developing School Success Plans

- Certification, licensing and training of teachers will remain with Provinces and Territories

- Regional Education Authorities will retain responsibility for certifying Teachers for cultural competency through specialized training programs offered in Faculties of Education through specific agreements with them

- Research agendas are negotiated with First Nations Regional Education Authorities or School Boards (reading, numeracy, mathematics, culturally responsive paradigm for subject areas, literacy)

- Data collection techniques

- Culturally reliable and valid assessment tools normed against an Indigenous population

- Materials development

- Standardized testing with a cultural paradigm

- Specialized experimental schools, laboratory schools at Universities, private specialized schools are sought for those exceptionally gifted First Nations students who require greater targeted academic challenges

21.0 First Nations Schools

Principal as School Leader:
• Principal reports to Regional Education Authority /School Board on the effectiveness of the school program and to the Community Education Councils of the First Nation for parental involvement and input

• Principal is the curriculum leader of the School; Provides guidance to Teachers on culturally responsive pedagogy, assessment, study circles, peer tutoring, applied learning, learning by sharing, improvement in social integration

• Principal develops the annual School Success Plan in accordance with the regulations and community input taking into consideration the culture and language of the First Nation

• Principal reports annually to Regional Education Authority or School Board on effectiveness of school programs in meeting standards, targets and achieving stated outcomes for student achievement

• Working with the Regional Authority or School Board develops plans to establish community and parent involvement in the school programming

• Principal keeps parents informed of school events

• Principal is responsible for school and student safety
• Principal can suspend or expel students

• Appeals can be made to the RFNEA or School Board

• Assistance Plans for expelled students and counseling are mandatory

• Principals provide reports to parents 3 x year

• Principal manages the school staff, evaluates staff, assigns their duties and directs the staff

• Principals will establish Community Education Councils for Pre-School, Elementary or Secondary Schools as needed

• Make agreements with School Boards or Regional Education Authorities for developing courses, texts or learning materials that are reflective of Culturally Responsive Education Standards using resources at Universities, Institutions or expert individuals

22.0 Curriculum in First Nations Schools

• Language revitalization through immersion, second language learning or bilingual programs

• Reflects Culturally Responsive Education Standards

• Courses, textbooks, materials support Culturally Responsive Education Standards
• Instruction in Indigenous languages, activities relevant to First Nations cultures, heritage, cultural practices and traditions, place based education

• Culturally responsive pedagogy, curricular content, assessment, professional development for Teachers, mentoring Teachers

• Determine curriculum in consultation with the Principal and community members through the First Nations Community Education Council

23.0 Language of Instruction

• The First Nations languages are the languages of choice to promote fluency in the education systems of First Nations

• First Nations will choose their preferred language of usage in the classroom and determine when English and French will be introduced for competency in the use of these languages

• Internet, broadband, intranet, data bases, libraries, information technology and communication plans are needed to support language development

• Grade level appropriate resources are needed to support the teaching of Indigenous heritage languages

• Teacher training in immersion teaching, second language teaching is required to support fluency; Classroom Assistants are required to assist in the programming

24.0 Maternal Infant Health and Early Learning Systems

• Regulated Early Learning Programs in Maternal Infant Health, Parenting Programs and Early Learning and Pre School Programs

• Language nests, immersion programs, childcare programs, preschool programs, Head Start are part of the First Nations education system

• Community Education Council assists with the development of programming

• Strategic community based planning to develop school readiness, meet the holistic development needs of the child, offer high quality culturally and linguistically relevant programs

• First Nations National Early Learning Strategy

• First Nations National Early Learning Secretariat

• First Nations National Early Learning Quality Framework
25.0 Registration and Attendance

- Schools keep attendance records and report monthly to Regional Authority or School Board
- Student Records of attendance, behaviour and academic progress are compiled by the Teachers
- Parents can examine and copy records and request corrections

26.0 Transfers between Education Systems

- Education programs and services must be compatible with and be comparable in standards to those found within provincial schools in Canada to permit transferability without academic penalty
- Comparability is achieved by First Nations education systems while retaining its right to protect its culture, identity, language, historical roots and cultural traditions
- Assistance is offered by the National Office of Evaluation and Accreditation

27.0 Education Standards in First Nations Schools

- Educational Standards in First Nations Schools meet or exceed those of the Provinces and Territories
- Implements Performance Standards for First Nations Schools to measure institutional performance and management
- Implements policy for student evaluations in keeping with increased emphasis on standardized comparable evaluation and culturally responsive evaluation
- Establishes policies and programs to deliver the curriculum, implements the educational standards in schools, determines language and culture to be offered in school programs
- Keep files of educational standards for public inspection
- Education standards must be consistent with Nation Laws/Education Codes/Jurisdiction Principles
- Circulate the educational standards for public comment, review suggestions of the public and make changes to the Board of the Regional First Nations Education Authority
- Set high academic standards and expectations of excellence for students
• Implements standards that include:
  
  o Competence in all academic skills, English language, French language, North American history, governance, cultures, economics and environment; competence in First Nations languages, history, culture, governance, economics and environment
  
  o Altruism and serving one’s people in the next generation is part of the educational philosophy
  
  o Goals are to promote healthy individuals, families, communities and Nations
  
  o Identity, self-esteem, self-discipline, positive attitudes, healthy decision making, respect for all life, civic duty in Nation affairs, balance in employment, leisure and home life, respectful use of the environment are part of the role modeling required in this leadership position of Principal and Teachers
  
  o Healthy lifestyles, nutrition, substance abuse, prevention issues, parenting and family life are important social and community issues affecting student wellbeing and family wellbeing where the School can offer training opportunities
  
  o First Nations Homelands, resources, community economy, global economy, management practices, cultural philosophies on land use, land tenure, socio-economic impact of natural resource development, physical impact, Nation land management are part of the School philosophy to promote public awareness and student learning
  
  o Tools for self-reflection by Teachers to check for bias, teacher appraisal, professional development

28.0 Parental Involvement

• Principal engages parents for their involvement for a continuum of cultural values, linguistic reinforcement of language usage, and alignment of educational goals of family and community

• Parents are involved in setting educational standards, policies and programs, extracurricular activities, school governance, enrichment activities

• In-service training for parents on priority education issues

29.0 Evaluation

• Principal evaluates schools performance against the standards

• Evaluates Teachers for instructional strategies, adherence to curricular goals, classroom environment

30.0 Administration

Principal:
• hires consultants
• Approves school budgets, annual audit of school budget
• Seeks grants for educational improvements
• Prepare annual budget for School Board and Schools in consultation with the Principals of Schools in the First Nation
• Long term strategic planning; prepares School Success Plan
• Compile uniform data from records from First Nations, Provincial/Territorial schools, other private schools for reporting on school performance for improvements
• Informs the Regional Education Authority or School Board of capital needs, capital planning for renovations, major construction, equipment needed for special needs children
• Decides on budget usage in its region dependent on the regulations and Culturally Responsive Education Standards
• Tuition Agreements with the Province for the education of First Nations children attending schools away from the First Nation
• Offers space if possible for adult education and training for post-secondary education
• Evaluation of Teachers, discipline, dismissal
• Identify areas of recertification for teachers and make accredited courses available through agreements with Faculties of Education
• Principal will consult with the Community Education Council on the calendar year, selection of Teachers and other school staff, changes in curriculum, changes in admission

31.0 Entitlement

• Children and youth from early learning to adulthood residing in First Nations territories
• Persons in child welfare, custody, expelled students, students attending school with challenges for medical reasons
• Home Schooling-Individualized Learning Plans under supervision of local School Superintendent
• Private Schools
• Residency

• Definition of Parent/Caregiver

• Special Needs Children: School Team and Parents develop an individualized plan for the student for assessment, intervention, prevention, treatment, appropriate placement in educational programs, equipment, other support measures

• Programming for exceptional or gifted students

32.0 First Nations Community Education Councils

• Parents/Caregivers and community members may form a council to bring their recommendations to the Principal, School Administration and professional staff at the school

• Community Education Council receives Annual Report on the state of education in the school system within the First Nation education system

• Community Education Council ensures that all homes and all parents/caregivers receive a Summary Report of the State of Education within the First Nation education system, offers workshops to discuss the results, plan for the future

• Offers additional resources to assist the school in informal learning for the students and land based learning that are community based opportunities or human resources

• Councils may form for elementary schools and a separate one for secondary schools

• Community Education Council consults with the Principal to advise on regulated ECE programming and maternal infant care, parenting programs

• Community Education Councils are responsible for identifying specialist community resource persons who may act as Knowledge Keepers, Storytellers, Oral Historians, or Elders as additional faculty in the schools

• Community Education Councils consult with the Principal, Teachers and other professional staff at the school to bring the community voice forward in policies, programs and services at the elementary and secondary school levels

33.0 School and Parent Participation

• Regional Authority or School Board, community members and local Elders Council in consultation develop a culturally appropriate behaviour policy based on cultural values of the community for discipline of students, student conduct, managing positive relationships, and resolving conflict
• Measures will be developed by Community Education Councils to help students fulfill their responsibilities

• Student failure to meet one’s responsibilities will be mediated by the Community Education Council

• Parent involvement is encouraged in all aspects of the school’s functions and especially through the First Nations Community Education Council

• Principal will seek out ways to involve parents in school functions and ensure monthly communication with parents through newsletters sent home with students

Following the construction of First Nations Regional Education Authorities or School Boards, guiding the streamlined functioning of First Nations Schools and receptive of the supportive nature of First Nations Community Education Councils, the oversight of all of this innovation calls for a national body to offer guidance and research support.

The National First Nations Education Centre of Excellence offers an opportunity to bring third level education services to those Regional First Nations Education Authorities spread throughout the country. Details are provided in Appendix 1 for further review.

34.0 National First Nations Education Centre of Excellence

The National First Nations Education Centre of Excellence will house the following departments:

• **National Office of Evaluation and Accreditation** is required to ensure culturally responsive evaluation and assessment tools and methodologies, data collection and ownership, quality assurance, monitoring, measurement, assessment, evaluation, accreditation, accountability, analysis and application, valid and reliable data

• **National Office of Research and Development** is required as an applied research institute linked to graduate schools of education for social relevancy, utilize resources at existing research centres, economy of scale, technical body to monitor trends and innovations in education and culturally responsive evaluation, address issues arising from implementation of the First Nations Education jurisdiction principles, establish baseline data on student achievement, annual progress reports, targets, outcomes, achievement data

• Annual report for First Nations and Canada on the implementation of the First Nations Education jurisdiction principles using performance measures, targets, valid data to improve planning and inform policy and funding decisions

• **National Office of First Nations, Inuit and Métis Heritage Languages and Cultural Treasures**

• National Indigenous Heritage Languages Protection Act is required with annual funding allocations
• Faculties of Education at Universities must offer a Specialist Certificate in Cultural Competency for Teachers of First Nations children and Indigenous Language Specialist Certificates for immersion, second language learning or bilingual education

• **National First Nations Early Learning Secretariat**

• **National Office of the Ombudsman**
APPENDIX 1

National First Nations Education Centre of Excellence

NATIONAL OFFICE OF RESEARCH AND DEVELOPMENT

National Office of Research and Development is housed within the National First Nations Education Centre of Excellence:

- Centre of Excellence will improve the quality and quantity of educational research, encourage graduates to pursue careers in research, strengthen the management of research, create a positive research environment dedicated to social justice, adopt culturally responsive research paradigms and methodologies, improve infrastructure and facilities for researchers, create access to grants for funds for scientific events, mobilize publication of articles, hold workshops and conferences, encourage attendance at international conferences, welcome visiting researchers from abroad, enhance the visibility of researchers within an academic institution, and place research at the high end of the institutional development agenda for the future
- High quality research carried out by robust community of scientists produces outcomes recognized by peers and the international scientific arena and passed to social and economic leaders for the transfer of innovation to applied challenges
- Research contributes to national and regional development processes through the generation of new knowledge paradigms, models and tools
- Research in Economic Studies of Equity for Funding in Federal, Provincial and Territorial Allocations for First Nations Education, Equity of Access to Educational Opportunities, Services Comparable to Those Provided By Provincial Schools
- Data Collection-reporting and analysis of participation and performance by major sub-groups, socially and economically congruent, regional or urban/rural as a precursor to evaluation
- Measure the determinants of academic success of culturally responsive curriculum, pedagogy, assessment types
- Assess First Nations students’ outcomes in a holistic framework by developing our own assessment tools, measures, evaluation models and reporting mechanisms
- Standardized centralized student testing is used as a tool of institutional evaluation by governments to assess the value of their educational investment-develop culturally responsive student assessment tools and methodologies
- Centre of Excellence: create the infrastructure; research teams pass results through well-established channels (data collection compiled, communicated, quality assurance, accreditation, regulations, procedures, financial management system, accountable, transparent, efficient, Ethical Review Council, risk management)
- Scientific relevance-build research capacity, develop quality assurance mechanisms
• Social relevance—contribute to social and economic advancement, priority areas of intervention, aligned with a national plan, focus on sustainability and poverty reduction in thematic areas of education and areas impacting educational success such as mental health, child welfare, health and social issues

• Sustainability—academic sustainability through developing local capacity for delivering high quality research, train more researchers, financial sustainability by diversifying funding sources to reduce vulnerability

• Environmental impact—all research proposals should include reflection on the positive and negative effects of activities during research or how their results might impact human life and the natural world

• Appeal Mechanisms will be set for deliberating on problems and solutions of implementation of the First Nations education jurisdiction principles through the Office of the Ombudsman

• The Centre of Excellence should also watch for the impacts of Federal, Provincial and Territorial initiatives on First Nations education authority and funding levels

OTHER OFFICES LOCATED WITHIN THE CENTRE OF EXCELLENCE

1. National Office of Evaluation and Accreditation

2. National Office of First Nations, Inuit and Métis Heritage Languages and Cultural Treasures

3. National First Nations Early Learning Secretariat

4. Office of the Ombudsman
APPENDIX 2

National First Nations Early Learning Secretariat

Foundations Stage for Lifelong Learning

Policy Recommendations

- National First Nations Early Learning Secretariat is responsible to support First Nations Governments in the area of early learning policy development, state of the art research, funding models, evaluation and planning

- First Nations National Early Learning Quality Framework developed with First Nations includes: a statement of values, goals for early learning, child care and centre management, program standards, child/staff ratios, teacher qualifications, developmental stages and milestones of values/skills/knowledge/behaviours that children are expected to master, pedagogical guidelines outlining processes by which children achieve these goals and how educators support them, holistic development of children and children’s wellbeing within a cultural and linguistic framework, physical health, nutrition, exercise, connection to the natural world, fluency in Indigenous languages, creativity and imagination, freedom and autonomy, with targets, time lines, benchmarks, budgets, governance, accountability measures, outcomes, revision

- Secretariat offers an integrated system to assess federal and provincial initiatives, conduct planning through contact with local centres and First Nations Governments, a more effective and less expensive model as a coordinated planning system, monitoring and evaluation efficiently undertaken from a single secretariat with pedagogical advisors responsible to First Nations

- National Secretariat develops a policy framework with regional variations under the direction of First Nations and supports the development of equitable child care and early learning programs across the country so parents can expect equivalent rights and services

- First Nations early childhood education and care system is needed under the direction of First Nations Governments to support healthy families and establish new milestones for early literacy and numeracy, social and emotional wellbeing, cognitive growth, optimum physical capacity

- National Secretariat monitors the work of Provinces and Territories in early learning, ensures the culturally responsive elements of certification and training regimes

- National Secretariat also leads in research issues identified from the First Nation(s) and dissemination of innovation to build a stronger First Nations early learning system for young children
• First Nations will be able to offer an integrated early learning and child care system leading into Kindergarten and the Primary Years with pre-literacy and pre-numeracy as an additional focus in response to full day Kindergarten

• Focus on child health, maternal health, parenting, family wellbeing, mental health, family engagement, early intervention, assessments, prevention programs, treatment options; early learning centre becomes a community focal point for programming to sustain healthy families

• Increase funding of services for First Nations children since there has been no significant expansion of the system in Canada over the past decade, less than 20% of Canadian children find a place in childcare compared to France 69%, Denmark 78%, UK 60% (OECD, 2004)

• Canada spends only 0.2% of GDP on child care and early learning for children 3-6 years, about half of the OECD average

• Canada is known for long wait lists, stagnation in quality of programming, low public expenditures rates per child in child care, market determined fee structure, inefficient subsidy system with widely varying and complex eligibility criteria, underfunding in the child care sector in wages, learning materials, physical infrastructure and planning, administration, training, monitoring

• Development of vulnerable First Nations children remains largely unsupported in Canada

• Presently First Nations children experience fragmented services in language nests, immersion programs, child cares, preschool programs, Aboriginal Head Start on or off reserve

• Require a comprehensive and integrated First Nations managed service for children from 0-6 years and their parents

• Counter the generational effects of poverty and trauma on human development, review the research on neuroscience of trauma on brain growth and human development, interventions required

• Include Children with Special Needs

• Data collection and analysis, long term planning, supportive evaluation, financial management, setting First Nations early learning standards

• Regular, incremental, long term funding is needed to guarantee equitable access and improved quality

• Create a guide for transparent and accountable funding systems with operational budgets for childcares and early learning centres

• Savings from a universal child care system would be felt in health and social budgets
- Strong First Nations Parent Management Boards
- Experience in Finland, Norway and New Zealand can be utilized in planning for First Nations
- Training at the centre level for staff and parents to incorporate local needs, languages and traditions, professional development
- Publication of an ANNUAL REVIEW of policy, innovations and data across First Nations in Canada
# APPENDIX 3

## First Nations Education Legislation: Comparability Table

<table>
<thead>
<tr>
<th>ELEMENT</th>
<th>FNCFNE RECOMMENDED POLICIES</th>
<th>CURRENTLY IN LEGISLATION (PROVINCIAL/TERITORIAL)?</th>
<th>FEDERAL POLICY AND LEGISLATION</th>
<th>CURRENTLY IN EXISTING FIRST NATIONS LEGISLATION?</th>
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<tbody>
<tr>
<td>Governance</td>
<td>Indian Control of Indian Education Local Control</td>
<td>• The Federal Government must take the required steps to transfer to local Bands the authority and the funds which are allotted for Indian education. • The local Education authority would be responsible for: (i) budgeting, spending and establishing priorities; (ii) determining the types of school facilities required to meet local needs; (iii) directing staff hiring and curriculum development with special concern for Indian languages and culture; (iv) administering the</td>
<td>• There is no federal First Nations specific education legislation, and scarcely any mention of education in the Indian Act 1867 Constitution Act, Section 93 • Explicitly gives provinces sovereignty with respect to education (except on reserves), within the confines of constitutional provisions protecting confessional education rights. 1927 Indian Act, Chapter 98 • s.4: The Minister of the Interior, or the head of any other department appointed for that purpose by the Governor in Council, shall be the Superintendent General of Indian Affairs, and shall, as such, have the control and management of the lands and property of the Indians in Canada. • s. 11: use of land for “school NOVA SCOTIA Mi’kmaq Education Act 1998 (C-30) • 6. (1) A community may … make laws applicable on the reserve of the community in relation to primary, elementary and secondary education. • 6. (2) A community may make laws in relation to the administration and expenditure of community funds in support of post-secondary education … • 10. (1) A corporation without share capital to be known as Mi’kmaw-Kina’matnewey is hereby established for the purpose of supporting the delivery of educational programs and services under this Act. • 10. (2) The chiefs of the communities are the members of the corporation and together constitute its board of directors, and the board may provide, by-law or otherwise, for the management and conduct of the affairs of the corporation. • 11. Sections 114 to 122 of the Indian Act do not apply to a community or its members. • 12. (1) The Governor in Council may, by order, add to the schedule the name of any band of Mi’kmaq in the province of Nova Scotia if the Governor in Council is satisfied that (b) the Agreement has been signed on behalf of the band. • 12. (2) The Governor in Council may, by order, delete the name of a community from the schedule if the … the council of the community has …</td>
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<tr>
<td><strong>Element</strong></td>
<td><strong>FNCFNE Recommended Policies</strong></td>
<td><strong>Currently in Legislation (Provincial/Territorial)?</strong></td>
<td><strong>Federal Policy and Legislation</strong></td>
<td><strong>Currently in existing First Nations Legislation?</strong></td>
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<td>physical plant; (v) developing adult education and upgrading courses; (vi) negotiating agreements with provincial/territorial or separate school jurisdictions for the kind of services necessary for local requirements; (vii) cooperation and evaluation of education programs both on and off the reserve; and (viii) providing counseling services</td>
<td>services being left to the federal government to fund</td>
<td>purposes” and compensation for taking control of land</td>
<td>authorized the withdrawal of the community from the Agreement.</td>
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<td></td>
<td>• There is almost a complete absence of provincial legislation specific to First Nations education. None of the provincial legislated clauses govern the management of First Nations schools or provide a legislative basis for funding.</td>
<td>1951 Indian Act</td>
<td>• Since 2000, the participating communities have continued to deliver education under the agreement. They have also developed a curriculum to teach the Mi’kmaq language and have built or expanded schools.</td>
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<td>• Some provinces (NL, QC, AB) make no legislative mention of First Nations education at all.</td>
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<td>BRITISH COLUMBIA</td>
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<td></td>
<td></td>
<td>• Different approaches have been taken to the governance of minority language education.</td>
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<td>British Columbia, Bill 46 (2007): First Nations Education Act</td>
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<td></td>
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<td>• Some provinces (NB, PEI) have legislative provisions requiring, or allowing, representation from on- or off-reserve First Nations communities on public district boards or on</td>
<td>• s.113: (A) authorization of minister to establish, operate and maintain schools and (B) enter into agreements for education in accordance with this Act of Indian children with the government of a province; the council of the NWT, the council of the Yukon Territory; a public or separate school board, and a religious or charitable organization</td>
<td>• 2. In accordance with the British Columbia First Nation Education Agreement, the Province recognizes that a participating First Nation may enact First Nation laws with respect to education provided by the participating First Nation on First Nation land, to the extent authorized by an individual agreement between the government of Canada and that participating First Nation</td>
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<td></td>
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<td>a) enter into tuition, post-secondary support,</td>
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<td>BRITISH COLUMBIA</td>
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<td></td>
<td></td>
<td>b) enter into agreements with religious organizations and maintainance for child at school</td>
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<td>Westbank First Nation Self-Government Agreement – Part XVI</td>
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<td>• 186. a) Westbank First Nation has jurisdiction in relation to kindergarten, elementary and secondary education on Westbank Lands for Members.</td>
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<td>• 186. b) Westbank First Nation education systems shall be designed to permit transfers between education systems without academic penalty to the same extent as transfers are effected between other education jurisdictions in Canada.</td>
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<td>• 187. Westbank First Nation has the authority to:</td>
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</table>

**Representation on Provincial/Territorial School Boards**
- There must be adequate Indian representation on school boards which have Indian pupils attending schools in their district or division.
- ... all Provinces/Territories

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Jurisdiction Principles in First Nations Education
<table>
<thead>
<tr>
<th>ELEMENT</th>
<th>FNCFNE RECOMMENDED POLICIES</th>
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<tr>
<td>4. Guiding Principles</td>
<td>should pass effective laws which will insure Indian representation on all school boards in proportion to the number of children attending provincial/territorial schools, with provisions for at least one Indian representative in places where the enrollment is minimal.</td>
<td>advisory bodies. Some of them (Ontario) consent to this only if a funding agreement is in place with the federal government. • Some provinces (NS) recognize on-reserve school authorities through their basic statutes. The legislation does not actually create these authorities, but allows the Minister and school boards to work with them. • Newfoundland and Labrador is particularly reluctant to make any legislative or policy mention of First Nations and reserves (because of the terms of Newfoundland’s union with Canada neglected to mention federal responsibility for First Nations on their lands). The province has been pressuring the federal government to</td>
<td>capital, curricular, recreational, special needs and other arrangements;  (b) create administrative bodies to administer any education program;  (c) enter into agreements regarding children of Members who attend school off Westbank Lands;  (d) enter into agreements with the province concerning the delivery of provincial services or the application of provincial standards …  (e) administer post-secondary student support funding for Members living on or off Westbank Lands.</td>
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<tr>
<td>ELEMENT</td>
<td>FNCFNE RECOMMENDED POLICIES</td>
<td>CURRENTLY IN LEGISLATION (PROVINCIAL/TERITORIAL)?</td>
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</table>
|         | diverse languages, cultures, histories, governance structures, aspirations, and needs. | accelerate the process of granting Innu Registered Indian status and to establish their communities as reserves, so that programs and services like education will become primarily federal responsibility. Conne River (Mi’kmaq) is the only reserve community created so far. | • Provided for the establishment of the Cree School Board for Cree villages, the Kativik School Board, for the residents of Northern Villages (who are mostly Inuit) and a special school for Naskapi students | Section 16: Cree Education  
**16.0.6** To the exclusion of all other school boards, the Cree School Board shall have jurisdiction and responsibility for elementary and secondary education and adult education ….  
**16.0.8** … the Cree School Board will have all the powers and duties given to a school board including the powers:  
✧ (a) to make agreements for educational purposes with any person, group, community, institution or corporation;  
✧ (b) to make agreements with other school boards in the province in virtue of which such school boards would allow some of their teaching personnel a leave of absence for the purpose of working for the Cree School Board and guaranteeing the re-employment of such personnel at the expiration of their contract with the Cree School Board;  
✧ (c) to determine the use of standardized tests  
**16.0.9** The Cree School Board shall also have the following special powers, subject only to annual budgetary approval:  
✧ (a) to make agreements with Canada for education and training programs…;  
✧ (b) to determine, in conjunction with the Quebec |
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<td></td>
<td>develop programs that are developed in accordance with the principles and concepts of Inuit Qaujimajatuqangit …</td>
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<td>Department of Education, the school year and school calendar limited only by the total number of days per year required by law and regulations; (c) to make agreements for post-secondary education…; (d) to acquire, build and maintain residential facilities for its teachers; (e) to determine, in conjunction with the Quebec Department of Education, the number of Native persons and non-Native persons required as teachers in each of its schools; (f) to arrange, with the Quebec Department of Education, for the hiring of Native persons as teachers notwithstanding that such persons might not qualify as teachers in accordance with the standard qualifications prevailing in the other areas of the province; (g) to select courses, textbooks and teaching materials appropriate for the Native people and to arrange for their experimental use, evaluation and eventual approval; (h) to develop courses, textbooks and materials designed to preserve and transmit the language and culture of the Native people; (i) to make agreements with universities, colleges, institutions or individuals for the development of the courses, textbooks and materials for the programs and services that it offers; (j) to give instruction and guidance to its teachers in the methods of teaching its courses and in the</td>
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<td>use of the textbooks and teaching materials used for such courses;</td>
<td>◁(k) to establish courses and training programs to qualify Native persons as teachers; ◁(l) to establish courses and training programs for non-Native persons who will teach in its schools; ◁(m) to make agreements with universities, colleges, institutions or individuals to provide training for the Cree School Board's teachers and prospective teachers.</td>
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<td>• <strong>16.0.17</strong> There will be one (1) elementary school committee for each community in which there is at least one (1) such school and one (1) high school committee for each community in which there is at least one (1) high school.</td>
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<td>• <strong>16.0.19</strong> The terms and conditions of the establishment, operating and financing of the school committees shall be determined by the said Board.</td>
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<td>• <strong>16.0.33</strong> The provisions of the Education Act respecting elections, school taxes and valuation of property, and school and parents' committees shall not apply to the Cree School Board.</td>
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<td>• <strong>16.0.38</strong> The provisions of this Section can only be amended with the consent of Quebec and the interested Native party…</td>
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<td><strong>Northeastern Quebec Agreement</strong></td>
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<td>• The Eastern Quebec Regional School Board is in charge of its general administration</td>
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<td>• The Naskapi Education Committee performs the same advisory functions as those assigned to</td>
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Jurisdiction Principles in First Nations Education
### Element: Jurisdiction and Federal Policy

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<td>Teacher and staff accreditation and employment</td>
<td><strong>Indian Control of Indian Education</strong>&lt;br&gt;<strong>Training programs for teachers and counselors</strong>&lt;br&gt;• The need for native teachers and counselors is critical and urgent; the need for specially trained non-Indian teachers</td>
<td>Relatively little variation in the provincial and territorial legislation&lt;br&gt;• All provincial and territorial legislation provides for the accreditation of teaching and other professional staff and the employment of teachers and other</td>
<td><strong>BRITISH COLUMBIA</strong>&lt;br&gt;<strong>British Columbia Bill 46 (2007): First Nations Education Act</strong>&lt;br&gt;• 3. BC will consult with the First Nations Education Authority in any general consultations respecting a proposed change to education policy, legislation or standards that may materially affect any of the following:&lt;br&gt;❖ (a) an education program offered by a participating First Nation;</td>
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<td>and counselors is also very great • The Federal Government must take the initiative in providing opportunities for Indian people to train as teachers and counselors • Training initiatives for non-Indian teachers and counselors who teach and work with native children, either in federal or provincial/territorial schools.</td>
<td>staff members, though the particulars of the employment relationship are the outcomes of collective bargaining processes. • Teacher training and accreditation is a power of the provincial or territorial government department in each province and territory, as is the power to suspend or revoke the licenses of teachers, while teachers and staff are generally employed by school boards, which also handle the discipline and, if necessary, dismissal of teachers. • Teachers in private schools must also be accredited by the provincial or territorial government, just as with teachers in publicly funded systems</td>
<td>(b) assessments, teacher certification, graduation requirements or curriculum; (c) any matter related to assessments, teacher certification, graduation requirements or curriculum.</td>
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**NUNAVUT**

Nunavut Education Act
- 8. (5) The Minister may

**QUEBEC**

James Bay and Northern Quebec Agreement

Section 16: Cree Education
- 16.0.16 The Cree School Board shall establish elementary and high school committees which shall be consultative and which shall have the functions delegated to them by the said Board. Nevertheless the Cree School Board must consult their committees with respect to the following: selection of teacher(s) and principal(s); school calendar and year; changes in curriculum.
- 16.0.20 The Cree School Board shall have the right to hire a community education administrator for a community pursuant to a recommendation from the elementary school or high school committee in such community.
- 16.0.37 The Cree School Board shall, in consultation with the Minister of Education, negotiate the working conditions of its employees, except basic salary, basic marginal benefits and basic work loads which are negotiated at the provincial level.

Northeastern Quebec Agreement
- (6) The Government may make such regulations as … (c) determine the mode of appointment,
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| Programs, curriculum, and ancillary services | Indian Control of Indian Education Curriculum and Indian values  
- School curricula in federal and provincial/territorial schools should recognize Indian culture, values, customs, languages and the Indian contribution to Canadian development  
- To develop an Indian oriented curriculum for schools which enroll native children, there must be full scale cooperation between federal, provincial/territorial and | Establish teaching standards and give directions to the education staff with respect to the delivery of the education program. | qualifications, functions, duties and powers, term of office, remuneration and mode of dismissal of their members. | 1951 Indian Act  
- ss. 120-121: pertains to the religious denomination of schools or classrooms | NOVA SCOTIA  
Mi’kmaq Education Act 1998 (C-30)  
- 7. (2) The educational programs and services so provided must be comparable to programs and services provided by other education systems in Canada, in order to permit the transfer of students to and from those systems without academic penalty to the same extent as students can transfer between those other education systems.  
BRITISH COLUMBIA  
Westbank First Nation Self-Government Agreement – Part XVI  
- 188. Westbank First Nation’s exercise of jurisdiction in education shall recognize the importance of compatibility with other education authorities while maintaining Westbank First Nation's right to protect its culture, identity, language and traditions.  
QUEBEC  
James Bay and Northern Quebec Agreement Section 16: Cree Education  
- 16.0.5 Every child shall be entitled to receive |
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<td>Indian education…</td>
<td>- Emphasis on financial support and language and cultural content in nursery schools and kindergartens as a “special concern of governments” &lt;br&gt; - In terms of vocational training, a new approach to qualifications for many jobs is needs, as well as a change in academic/vocational courses to meet new requirements &lt;br&gt; - Adult education programs, properly conducted, can be a means for many Indians to find economic security and self-fulfillments. These programs should be carried out under the control and direction of the Band Education Authority, on a short term or continuing basis, according to the</td>
<td>establish local programs in addition to the provincially- or territorially- mandated programs and curriculum. &lt;br&gt; - Several jurisdictions have specific legislative provisions establishing particular programs of study (ex. Ontario and Manitoba regulation for religious instruction or Saskatchewan and Nunavut provisions on physical education). &lt;br&gt; - Some provinces (New Brunswick) have legislative provisions authorizing public schools to teach topics and courses on First Nations history and culture &lt;br&gt; - Several jurisdictions also have legislative provisions to allow the establishment of programs that reflect specific cultural contexts within that jurisdiction &lt;br&gt; - Yukon legislation which provides for</td>
<td>moral and religious instruction in accordance with a program approved by a clergyman or priest serving the community and by the Protestant or by the Catholic Committee of the Superior Council of Education. Any child, upon request of his parents for reasons of conscience, shall be exempted from such moral or religious instruction. &lt;br&gt; - 16.0.10 The teaching languages shall be Cree and with respect to the other languages in accordance with the present practice in the Cree communities in the Territory. The Cree School Board will pursue as an objective the use of French as a language of instruction so that pupils graduating from its schools will, in the future, be capable of continuing their studies in a French school, college or university elsewhere in Quebec, if they so desire...</td>
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<td><strong>Local Needs.</strong></td>
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<td>• Considering the great need there is for professional people in Indian communities, every effort should be made to encourage and assist Indian students to succeed in post-secondary studies.</td>
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<td>• Indian children must have the opportunity to learn their language, history and culture in the classroom.</td>
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<td>• Curricula will have to be revised in federal and provincial/territorial schools to recognize the contributions which the Indian people have made to Canadian history and life.</td>
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<td><strong>Language of Instruction</strong></td>
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<td>• Two aspects to language instruction that must be upheld: (i) teaching in the native language and (ii) teaching the native instruction in Yukon heritage and the environment and in Aboriginal languages</td>
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<td>• NWT provides for programs in cultural instruction, reflecting the influence of Aboriginal culture in that jurisdiction.</td>
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<td>• A number of jurisdictions have added provisions for the establishment of early education programs to their legislation.</td>
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<td>• In Nunavut, promoting fluency in an Inuit language and a knowledge of Inuit culture and clearly spelt out in the Act as objectives of the early childhood education program</td>
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<td>- NUNAVUT Nunavut Education Act</td>
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<td>• 1. (1) The public</td>
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<td>language</td>
<td>Funds and personnel are needed to develop language programs which will identify the structures of the language</td>
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<td><strong>First Nations Control of First Nations Education</strong></td>
<td><strong>1. Access to Lifelong Learning</strong></td>
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<tr>
<td>• 1.1 Languages</td>
<td>❖ 1.1.1. First Nations languages, knowledge, and diversity are an important national heritage that must be protected, supported and preserved. Recognition and respect is vital for the success of comprehensive First Nations learning strategies that will lead to meaningful and improved learner outcomes.</td>
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<td>❖ 1.1.2. For successful implementation of</td>
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| First Nations language education, the government of Canada must recognize and support the Policy Objectives and Goals identified in the National First Nations Language Strategy as approved by the Assembly of First Nations in Resolution No.12/2007 | services, instruction and Inuit Language programs in Inuinnaqtun in the communities where Inuinnaqtun is indigenous. | • 1.2 Early Learning  
  ✓ 1.2.1. Federal, provincial, territorial and First Nations' governments must ensure that every First Nations child regardless of residency, has access to integrated early learning programs and services including, but not limited to, language nests, immersion programs, Head Start programs, | 3. (3) Nothing in this Act shall be construed so as to abrogate or derogate from:  
✓ (a) the status of or any constitutional or other rights in respect of the English or French languages;  
✓ (b) any existing aboriginal or treaty rights of the aboriginal peoples of Canada ...  
✓ (c) any legal or customary right or privilege acquired or enjoyed with respect to the Inuit Language...; or  
✓ (d) any responsibility of the Parliament and Crown of Canada concerning the linguistic or cultural |
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<td>daycare, pre-kindergarten and preschool. Actualization of this policy requires that First Nations communities be provided with the supports and resources necessary to run these programs.</td>
<td>rights or heritage of Inuit or other linguistic minorities in Nunavut.</td>
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<td>1.2.2. Federal, provincial and territorial governments must work with First Nations, locally and regionally, to develop and implement strategic plans to ensure that early learning initiatives promote school readiness, the holistic development of the individual and high quality culturally relevant programs and services.</td>
<td>8. (3) The Minister shall establish the curriculum in accordance with, and based on Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit and with respect for Inuit cultural identity.</td>
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<td>1.3 Curriculum</td>
<td>8. (4) The curriculum shall promote fluency in the Inuit Language and an understanding of Nunavut, including knowledge of Inuit culture and of the society, economy and environmental characteristics of Nunavut.</td>
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<td>11. (1) A principal shall develop and provide activities, programs and services for his or her students in addition to the education program and (2) those activities, programs and services</td>
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<td>Development 1.3.1.</td>
<td>Federal, provincial and territorial governments must engage with First Nations to develop curricula that: (i) recognize and support varying student needs, (ii) meet standards identified by First nations, and (iii) allow for the development of materials and programs to preserve and protect First Nations languages, cultures and histories</td>
<td>provided shall be developed in accordance with and be based on the principles and concepts of Inuit Qaujimajatuqangit which (3) may include a program for moral or spiritual instruction.</td>
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<td>1.3.2. Provincial and territorial schools must work in collaboration with First Nations to develop and implement curriculum into all schools in Canada that addresses the contributions,</td>
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| 1.6 Cultural Competency | histories and cultures of First Nations and the impacts of colonialism on Indigenous peoples.  
- **1.6.1.** Federal, provincial, territorial and First Nations governments must work together to fully implement First Nations’ rights to access high quality and culturally relevant learning in all education systems.  
- **1.6.2.** Provincial and territorial governments, school boards/divisions and learning institutions must acknowledge their responsibility to provide high quality, culturally relevant learning opportunities for all First Nations learners enrolled in learning which (2) shall be developed in accordance with and be based on Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit.  
- **20.** Provisions and regulations for the development of a “school program plan” that is culturally significant and developed with community input.  
- **23.** (1) Every student shall be given a bilingual education and the languages of instruction shall be the Inuit Language and either English or French …  
- **98.** In addition to anything else a teacher is required to do under this Act, he or she shall:  
  - (a) diligently teach his or her students in a manner that promotes their physical, emotional, social, intellectual and... |   |   | |

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<td>their learning institutions.</td>
<td>spiritual development and encourages them in the pursuit of learning;</td>
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<td>1.6.3.</td>
<td>Federal, provincial and territorial governments, school boards/divisions, and learning institutions will ensure that all First Nations learners receive culturally and linguistically appropriate support services.</td>
<td>(b) teach his or her students in a manner that is consistent with Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit and respect for Inuit cultural identity;</td>
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<td>1.6.5. Provincial and territorial governments, school boards/divisions, learning institutions, decision-makers, learners, teachers, and support services staff must achieve cultural competency through on-going Professional Development, designed and delivered by First Nations professionals and Elders at the spiritual development and encourages them in the pursuit of learning;</td>
<td>(c) encourage his or her students to develop positive self-esteem;</td>
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<td>(d) encourage his or her students to develop respect for the cultural and spiritual or religious values and beliefs of others;</td>
<td>(f) keep all materials, resources, equipment and facility space assigned to the teacher or placed in his or her care in the best possible condition;</td>
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<td>• 102. (1) A district</td>
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| Regulation of the educational environment | **Indian Control of Indian Education**  
**Facilities and services**  
- All unsafe or obsolete school buildings, equipment and teacherages on reserves should be replaced with modern, functional units.  
- Where Indian communities wish to maintain educational services on their reserves, the reserve school facilities must be brought up to the same standards as those in the outside communities  
- It shall be within the power of the Band | - Subject to extensive regulation in all provinces and territories  
- Provincial and territorial legislation includes the regulation of the language of education (and the right to minority language education), the regulation of the school day and year, the duty of students to attend school and of parents to send their children to school, student discipline, student transportation, the regulation of all activities which take place on school property, as well as the management of the school property itself, and | **1927 Indian Act, Chapter 98**  
- s.9: The establishment and maintenance of schools, transportation and inspection  
- s. 10: attendance, religion of schools, appointment of truant officer  
**1951 Indian Act**  
- s.113: (A) authorization of minister to establish, operate and maintain schools and (B) enter into agreements for education in accordance with this Act of Indian children with the government of a province; the council of the NWT, the council of the Yukon Territory; a public or separate school board, and a religious or charitable |
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<td>Education Authority to plan for and provide the school facilities needed for community education programs</td>
<td>even (in Ontario and Manitoba) the regulation of the nutritional quality of food in school cafeterias and anaphylaxis policies.</td>
<td>• ss. 115-118: attendance requirements and exceptions, designation of schools to be attended and the appointment of truant officers and enforcement of attendance</td>
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<td>• Education Facilities must be provided which adequately meet the needs of the local population, which will vary from place to place.</td>
<td>• Some jurisdictions (such as New Brunswick and the territories) make provisions for the accommodation of students who have to live away from home.</td>
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<td>Staff</td>
<td>• Regulates the establishment of new schools and school closures</td>
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<td>• Where there are Indian people in attendance at a school, the number of Indian staff hired, including professional, paraprofessional, clerical and janitorial, should be based on a minimum ratio of one Indian staff person to every 20 Indian students.</td>
<td>• Also includes regulation of private schools and home-schooling</td>
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<td>• As far as possible, primary teachers in federal or provincial/territorial schools should have</td>
<td>• Variations across and within jurisdictions on school hours and the school year</td>
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<td>• Nunavut legislation states that the public education system is to be based on Inuit societal values and outlines the responsibilities of the Ministry, education authorities, and staff to organization</td>
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<td>some knowledge of the maternal language of the children they teach.</td>
<td>ensure that Inuit societal values are incorporated throughout the education system and requires a bilingual education, with one of the languages being an Inuit language.</td>
<td>religious schools ss. 117-119: attendance requirements and exemptions, schools to be attended, appointment and function of truant officers and enforcement of attendance</td>
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First Nations Control of First Nations Education

2. Community and Institutional Capacity

- 2.2 Physical Infrastructure

  2.2.1. ... The Government of Canada must work immediately with First Nations to assess the resource needs of communities and to develop and implement a comprehensive infrastructure strategy that ensures safe and healthy learning environments. This infrastructure strategy must include, but not be limited to: (i) establishing and maintaining the school and transportation infrastructure..., (ii) access to quality learning environments, specialized equipment and

Nunavut

Nunavut Education Act

- 7. (3-4) Ensuring that the school program is founded and delivered in accordance with Inuit societal values and the principles and concepts of Inuit Qaujimajatuqangit and respect for Inuit cultural identity.
- 7. (6) A principal shall conduct, in co-operation with the education staff, a continuing program of evaluation of the school program in his or her school.
- 19. A district education authority shall 🟢 (a) provide students with textbooks and other learning
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<td>transportation for students with physical, learning and behavioral challenges, (iii) plans for renovating existing school facilities and building new facilities ..., (iv) adequate funding for all minor and major capital/infrastructure requirements ..., and (v) comprehensive learning facility assessment protocols and systems.</td>
<td>(b) provide library, audio-visual and other resource materials.</td>
<td>• 61. (2) the school rules shall be developed in accordance with the principles and concepts of Inuit Qaujimajatuqangit, particularly the principles of Inuuqatigiitsiarniq and Piliriqatigiinniq.</td>
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<td>Student evaluation and records</td>
<td>First Nations Control of First Nations Education 2.4 Accountability and Evaluation • 2.4.1 The government of Canada shall work in cooperation with First Nations to develop appropriate and relevant accountability and evaluation mechanisms and reporting protocols so that First Nations are informed on an on-going basis of improvements in the materials; and</td>
<td>• This is an area to which the legislation speaks very little • Most jurisdictions make reference to the management of student records and rules for access to them • Significant variation in where the responsibility resides for student evaluation: student evaluation itself is left to school staff, but both school boards and government departments play a role in most jurisdictions in</td>
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Jurisdiction Principles in First Nations Education
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<td>educational outcomes of First Nation learners.</td>
<td>establishing policies for student evaluation, in keeping with the increasing emphasis on standardized, comparable evaluation and institutional performance management.</td>
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<td>• 2.4.2 Provincial and territorial governments must work in cooperation with First Nations governments to develop and implement appropriate accountability and evaluation mechanisms and regularly report to First Nations on the improvement of educational outcomes for First Nations learners enrolled in provincial, territorial learning and other institutions.</td>
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<td>Element</td>
<td>the discretion vest in teachers to manage the delivery of a curriculum and the evaluation of students within their classrooms.</td>
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<td>- Legislative changes to create new governance structures that more formally include parental or community input into decision-making have been adopted much more broadly in Canada than have legislative changes to increase central control over student evaluation.</td>
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<td>NUNAVUT</td>
<td><strong>Nunavut Education Act</strong></td>
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<td>- <strong>74.</strong> (1) The Minister shall establish and maintain a program of Nunavut-wide assessments to assess the literacy of students in each language of instruction and their numeracy skills and (2) a principal shall supervise the assessment of the students of his or her</td>
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| Institutional Evaluation | 2. Community and Institutional Capacity | • 2.4 Accountability and Evaluation  
   ◦ 2.4.1. The Government of Canada shall work in cooperation with First Nations to develop appropriate and relevant accountability and evaluation mechanisms and reporting protocols so that First Nations are informed on an ongoing basis of improvements in the education outcomes of First Nation learners.  
   2.4.2. Provincial and territorial governments must work in cooperation with First Nations governments to develop | school under any assessment program established by the Minister… | QUEBEC  
James Bay and Northern Quebec Agreement  
Section 16: Cree Education  
• 16.0.14 School buildings, facilities, residences and equipment of Quebec and Canada shall be transferred or leased, at nominal cost, to the Cree School Board for their use by it… |
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| Education Financing | Indian Control of Indian Education Transfer of Jurisdiction  
• The Federal Government has the responsibility of funding education of all types and at all levels for all Indian people  
First Nations Control of First Nations Education  
2. Community and Institutional Capacity  
• 2.3 Funding  
✓ 2.3.1. The government of | The specific means by which the education systems are financed in different provinces and territories demonstrate some interesting variations  
Most jurisdictions make provision for funding of the education system from both provincial or territorial government grants and property taxes, which are often collected by municipalities and | International data and analysis show that New Zealand, Australia, and the United States differ in a common way from the Canadian context regarding Aboriginal education: there is no dispute between federal and other orders of government over who pays for Aboriginal education, on- or off-federal lands. In particular, disputes over “offloading” of responsibility occur rarely or never. | NOVA SCOTIA Mi’kmaq Education Act 1998 (C-30)  
• Under the Mi’kmaq Education Act, First Nations can exercise jurisdiction on reserves only. Participating First Nations argue that capital funding should be established so that they can accommodate students attending off-reserve schools in the communities' local schools. Some of these First Nations built or enlarged schools in order to do accommodate students attending off-reserve schools, but without departmental funds.  
• The Department argues that it continues to have power to determine capital funding and, in making these decisions, it uses the practices applicable to First Nations under the Indian Act (Chapter 5 of Auditor General report, November 2004). |
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<td>Canada must support First Nations comprehensive learning systems through sustainable funding... There must be funding for second and third level support structures as determined by First Nations at the community, regional and national levels...</td>
<td>transferred to school boards, but there are some exceptions • Some provinces (ON, MB, NB) refer to First Nations and/or reserves, but in order to require federal payment of costs before provincial school services can be extended to reserve residents. Other provinces (British Columbia) have the same policy to avoid financial involvement, but they apply it administratively rather than through statute. • Some provinces (Ontario, New Brunswick) write into statute a strong provincial position that First Nations education is a federal fiscal responsibility</td>
<td>• Participating First Nations believe that when the Department introduces new education programs, they should have access to additional funds while continuing to exercise jurisdiction over the use of these funds. <strong>QUEBEC</strong> James Bay and Northern Quebec Agreement Section 16: Cree Education • 16.0.13 The commissioners of the Cree School Board shall be entitled to receive the representation allowances provided pursuant to section 205 of the Education Act, and shall be reimbursed by the Board for all expenses actually incurred for travel, lodging and meals when attending official meetings of the Board in accordance with the regulations that the Board shall adopt for such purpose • 16.0.22 Programs and funding by Quebec and Canada, and the obligations of such governments in favor of the James Bay Crees, shall continue, subject to the Agreement. As a result thereof there shall be no decrease in the quality and quantity of educational services presently available to Native persons for their education and the operational and capital funding necessary to ensure services will be provided by Quebec and Canada. • 16.0.23 The funding by Quebec and Canada referred to in paragraph 16.0.22 shall be provided to the Cree School Board in accordance with a formula to be determined by the Quebec Department of Education, the Department of...</td>
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<td>and remediation of learner achievement levels, (ii) high quality staffing ..., (iii) sustainable funding for both regular and specialized services to meet the special needs of learners, including assessment and programming supports, (iv) adequate funding for learners who must attend provincial, territorial and other institutions ..., (v) First Nations developed and approved First Nations language instruction and curricula, and (vi) First Nations developed and approved culturally-relevant curricula, teaching methodologies, standards and evaluation in all</td>
<td>Indian Affairs and Northern Development and the Cree.</td>
<td>16.0.26 The Cree School Board will not be obliged to levy school taxes.</td>
<td>16.0.27 The budget of the Cree School Board shall take into account the unique characteristics of the Cree School Board's geographical location and of its student population. It shall provide for items such as the following: (a) the cost of the construction, maintenance and replacement of buildings, facilities and equipment; (b) increases in the student population and the need for adequate teaching facilities; (c) the cost of transportation of students and teaching staff including transportation for students to and from schools in other parts of the province; (d) the development of a special curriculum provided for in paragraph 16.0.9; (e) the maintenance of hostels and residences for its students attending schools outside their community; (f) the establishment and maintenance of kindergarten school programs and facilities; (g) the operation of physical education and sports programs; (h) the provision of adult education programs; (i) the payment of northern allowances where applicable; (j) the provision of working conditions and...</td>
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<td>subject areas.</td>
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<td>benefits to attract competent teaching personnel and to encourage such personnel to remain in their position for extended periods of time, taking into consideration the conditions and benefits offered in surrounding areas.</td>
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<td>• 16.0.28 Based on annual budgets, providing for operating and capital costs, approved by Quebec and Canada, each of the said governments shall contribute to the approved budget of the Cree School Board on the following basis: Quebec: 25% Canada: 75% … and every five (5) years thereafter, the percentage contribution of Quebec and Canada shall be reviewed …</td>
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<td><strong>Northeastern Quebec Agreement</strong></td>
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<td>• Canada and Quebec continues funding of NEQA on the basis of annual operational and capital budgets subject to their approval</td>
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<td><strong>Aboriginal Students Policy</strong></td>
<td>• Most provinces and territories have provisions in their education legislation, though the level of detail varies across the country (NL and PEI have no legislative provisions on the matter) • The Ontario, Manitoba and Alberta legislation simply provides school boards with the authority to enter into agreements</td>
<td>QUEBEC James Bay and Northern Quebec Agreement Section 16: Cree Education</td>
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<td>• 16.0.24 Quebec and Canada shall jointly ensure the continuation of existing educational services and programs presently available to the Native people, including: ʰ(a) allowances to students in accordance with established regulations; ʰ(b) students &quot;room and board” allowances; ʰ(c) maintenance of foster homes for students; ʰ(d) living, tuition and transportation allowances for post-secondary students.</td>
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<td>with the Government of Canada or First Nation bands to provide education services to First Nation students and charge tuition fees for their services • New Brunswick legislation provides that the provincial government department may approve programs and services to respond to the unique needs of Mi’kmaq students and to foster an understanding of Aboriginal history and culture. It also authorizes the provincial government department to appoint additional Mi’kmaq and Maliseet councilors to District Education Councils. • New Brunswick legislation also clearly states that the right of all school-age children to receive free schooling from the public school system does not relieve</td>
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<td>the Government of Canada of its obligations for the education of those whose education is a constitutional responsibility of the Government of Canada.</td>
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<td>Saskatchewan also includes in its legislation, in addition to the power to make agreements for the education of Aboriginal students, the right of a representative of a First Nation band to participate on a school review committee where a student of the school under review resides on the band’s reserve.</td>
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<td>Yukon’s Education Act provides for instruction in Aboriginal languages and the provision of activities relevant to the culture, heritage, traditions, and practices of Yukon First Nations serve by public schools; it also guarantees the representation of</td>
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<td>Aboriginal people on school boards and school councils, reflecting the large Aboriginal population in the territory. As well, in addition to provisions to authorize school boards or school councils to enter into agreements for the provision of education programs and services to Aboriginal students, the Yukon legislation defines the role of the Central Indian Education Authority in the education system of the territory, reflecting the existence of a self-government agreement between Yukon First Nations, Canada and the territorial government.</td>
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<td>In the NWT, the legislation authorizes education bodies to hire non-teachers to provide Indigenous language and traditional knowledge instruction and deems the</td>
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<td>Tlicho Community Services Agency to be a divisional education council.</td>
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<td>• In Quebec, the <em>Charter of the French Language</em> authorizes the provision of instruction in First Nations languages and Inuktitut and recognizes that the languages of instruction in schools under the jurisdiction of the Cree School Board and the Kativik School Board are Cree and Inuktitut, but it also declares that those school boards are to pursue the use of French as a language of instruction, while determining the rate of introduction of French and English instruction. Thus, Quebec seemingly simultaneously recognizes Aboriginal jurisdiction and trumps it through its legislation.</td>
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<td>• In Quebec’s <em>Education</em></td>
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<td>Act for Cree, Inuit and Naskapi Native Persons, the self-governing of Cree and Kativik school boards and regulating education services for Naskapi beneficiaries of self-government are established. This legislation suggests that Aboriginal self-government in the education sector in Quebec is very much delegated and subject to Quebec's regulatory authority, repeating provisions of general application in an Act that purports to address education specifically for self-governing Aboriginal peoples.</td>
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