



Assembly of First Nations

37th Annual General Assembly
July 12–14, 2016

BACKGROUNDER: FIRST NATIONS EDUCATION FUNDING

First Nation Education Landscape

- In 2012, there were more than 246,000 school-aged First Nation children in Canada, and more than 143,000 First Nations children were resident on reserve lands.
- Over 64% of First Nation students attended 515 on-reserve schools operated by First Nations. o More than 3/4 of those students were enrolled in an elementary school, with the remaining enrolled in an on-reserve secondary school.
- Approximately 31% of First Nations students attended off-reserve provincial schools, and 5% attended either a private or federal school.
- Data from the Federal Government identifies that the graduation rate for First Nations schools has not risen above 35% since 1996. Conversely, many First Nation that have taken control over education, like the Mi'kmaq Kina'matnewey in Nova Scotia, have achieved consistent graduation rates above 87%.
- Data from the 2008-2010 First Nations Regional Health Survey finds that almost half (49.7%) of all First Nation children were able to speak or understand a First Nations language. However, more than 4 of every 5 First Nation youth felt that learning their own First Nations language is either 'very important' or 'somewhat important' to themselves and to their First Nation.

What does First Nations Control of First Nations Education mean?

First Nations control means that First Nations are able to exercise their inherent right to education by developing their own policies and laws to provide linguistically and culturally-appropriate education that meets the individual and collective needs of their learners.

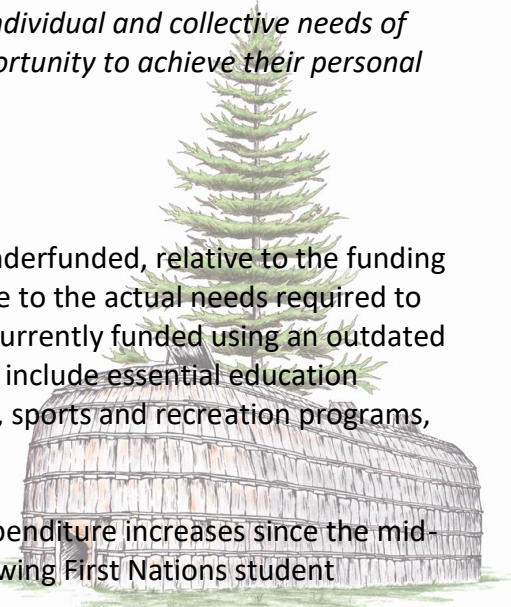
First Nations lifelong learning is a process of nurturing First Nations learners in linguistically and culturally-appropriate holistic learning environments that meet the individual and collective needs of First Nations and ensures that all First Nations learners have the opportunity to achieve their personal aspirations within comprehensive lifelong learning systems.”

- First Nations Control of First Nations Education (2010)

Why is a statutory funding guarantee required?

First Nations have long identified that their schools have been chronically underfunded, relative to the funding provided for students attending provincial and territorial schools and relative to the actual needs required to deliver quality education to First Nation students. First Nations schools are currently funded using an outdated Band Operated Funding Formula (BOFF) created in 1987. The BOFF does not include essential education components such as libraries, technology, First Nations language immersion, sports and recreation programs, or student data management systems.

Funding for First Nations schools has been subject to a 2% cap on annual expenditure increases since the mid-1990s. As a consequence, funding has not kept pace with the needs of a growing First Nations student





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population, nor has it kept pace with increasing educational costs such as teacher salaries or school supplies and equipment – and increases made in provincial and territorial schools.

A statutory guarantee of funding is required to ensure funding for First Nations education is stable, predictable and sustainable for First Nations schools. This would mean that there is a clear legislative base for the provision of adequate funds to First Nations schools on an annual basis to ensure high quality education.

In 2011, the Auditor General of Canada noted that:

“The federal government has often developed programs to support First Nations communities without establishing a legislative or regulatory framework for them. Therefore, for First Nations members living on reserves, there is no legislation supporting programs in important areas such as education, health, and drinking water. Instead, the federal government has developed programs and services for First Nations on the basis of policy. As a result, the services delivered under these programs are not always well defined and there is confusion about federal responsibility for funding them adequately.”

History of First Nations Control of First Nations Education

There is no question that the Government of Canada has neither the expertise nor structures to ensure quality education for First Nations children. The evidence and harm of failures in these attempts are well documented and warranted an apology from the Prime Minister in 2008. First Nations have consistently pushed for a fundamental transformation of education for First Nations peoples. It has been forty years since *Indian Control of Indian Education* was issued (see below). It has been almost twenty-five years since First Nations began to articulate the need for legislative and/or constitutional change to recognize First Nations jurisdiction over education. First Nations have developed draft legislation, proposed constitutional provisions, advocated for policy and program change, and made every effort to change an unacceptable status quo.

1972 – Indian Control of Indian Education

The National Indian Brotherhood (NIB), which became the Assembly of First Nations, issued *Indian Control of Indian Education* (ICIE) which was seen as a response to a federal White Paper issued in 1969. The White Paper proposed the elimination of First Nations peoples in law and to reverse years of federally imposed education experiments. ICIE affirmed the pride and identity of First Nations peoples:

The time has come for a radical change in Indian education. Our aim is to make education relevant to the philosophy and needs of the Indian people. We want education to give our children a strong sense of identity, with confidence in their personal worth and ability.

1988 – Tradition and Education: Towards a Vision of Our Future

The Assembly of First Nations released *Tradition and Education – Towards a Vision of Our Future*, the conclusion of a multi-year study of First Nations education. This led the Chiefs in Assembly to unanimously adopt a “Declaration of First Nations Jurisdiction Over Education.” An extensive document, the Declaration clearly affirmed that First Nations have the right to control their education and called for action by the federal government to address existing legislation.



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1991 – Special Chiefs Conference on Education

Chiefs-in-Assembly received draft versions of a First Nations Education Act, and a First Nations Education Administration Act. This was a First Nations-driven exercise occurring about a year after the failure of the Meech Lake Accord proposal to amend the Constitution Act. Resolutions from the Assembly were held over to an Assembly in February, 1992. AFN Resolution 14/92 stated, among other matters, that:

“...the First Nations structures and institutions for education are protected and affirmed under Section 35 of the Constitution Act, 1982, and therefore, that a National Education Act developed by First Nations be enacted by the Federal government to facilitate the resourcing of our constitutionally affirmed right to education consistent with the spirit and intent of our inherent Aboriginal rights and our treaties.”

June 9, 2008 – Statement of Apology by the Prime Minister of Canada

The Prime Minister of Canada, Stephen Harper, made a Statement of Apology to former students of Indian Residential Schools, on behalf of the Government of Canada, stating “The Government of Canada sincerely apologizes and asks the forgiveness of the Aboriginal peoples of this country for failing them so profoundly.”

June 9, 2010 – AFN Call to Action on First Nations Education

The AFN makes a call to action on First Nations education to the Federal and Provincial governments, including a call for a secure fiscal framework for education, including a statutory funding guarantee based on real costs, indexation and appropriate treatment for northern and remote communities. Furthermore, it called for First Nation education to be supported through professional and accountable First Nation-led education systems that deliver second and third level supports to First Nation schools.

July 2010 – Resolution 12/2010 Endorsing First Nations Control of First Nations Education

AFN Chiefs-in-Assembly endorsed *First Nations Control of First Nations Education* (FNCFNE) as an AFN policy document. This is viewed as an updated version of *Indian Control of Indian Education*. Among other matters the policy document notes that it is essential that:

“The government of Canada, in partnership with First Nations, take immediate steps to engage in the development of federal legislation guaranteeing First Nations high quality, culturally relevant education programs and services and full support for the comprehensive implementation of First Nations control of First Nations education at all levels of learning, including early learning initiatives, elementary and secondary school, adult and post-secondary education and Language Nests.

The government of Canada uphold the Honour of the Crown and fulfill its fiduciary obligations with respect to First Nations education in a manner fully consistent with and in affirmation of First Nation Aboriginal and Treaty rights...”



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December 2010 – Resolution 54/2010 Support for Shannen’s Dream Motion 571

Chiefs-in-Assembly supported Motion 571, Shannen’s Dream, to address funding inequities in First Nations schools and call upon the Federal Government to consult and work in meaningful collaboration with First Nations Governments to make Shannen’s Dream a reality.

December 2010 – Resolution 55/2010 Actions Necessary to Save First Nations Languages from Extinction

Chiefs-in-Assembly call for a nation-wide campaign to raise awareness about the benefits and critical importance of mother-tongue medium education using a variety of strategies, urge that the mother-tongue be the official language in every First Nations territory or community, promote the development of immersion curriculum and teacher training, support immersion programs for all learners, and support a court challenge establishing the constitutional right of First Nations to educate their children in their own languages.

July 2011 – Resolution 18/2011 – Moving Forward on First Nations Control of First Nations Education

Following up on the Call to Action on Education in 2010, Chiefs in Assembly re-affirmed First Nations control of First Nations education as a national priority, and called for the development of a strategy for engaging with the Federal Government to implement the inherent and Treaty right to education as recognized and affirmed in Section 35 of the *Constitution Act* and in the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).

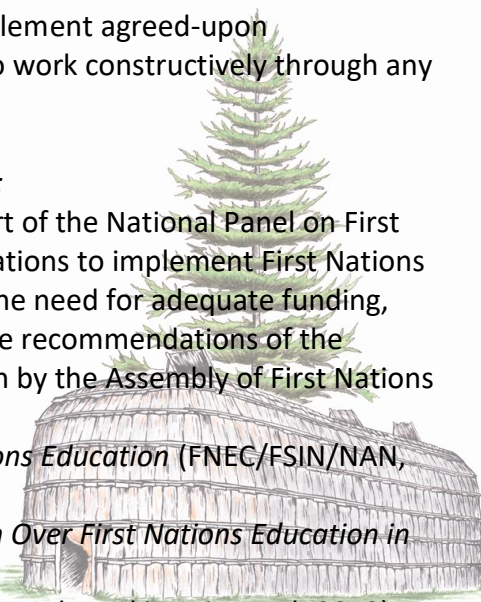
January 24, 2012 - First Nations Crown Gathering – Education Reform

A collaborative engagement process was launched to make recommendations on quality K-12 education for First Nation children living on reserve. Upon mutual review of the National Panel’s report, First Nations and the Government of Canada will work to implement agreed-upon recommendations as quickly as practicable and establish a process to work constructively through any areas of disagreement.

February 8, 2012 - National Panel on First Nations Education Report

Nurturing the Learning Spirit of First Nations Students, the final report of the National Panel on First Nations Elementary and Secondary Education, provides recommendations to implement First Nations jurisdiction over education, implement education systems, address the need for adequate funding, inclusion of language and culture, and support data systems. The core recommendations of the National Panel are generally congruent with historical positions taken by the Assembly of First Nations and consistent with recent First Nations education reports:

- *The Report on Priority Actions in View of Improving First Nations Education* (FNEC/FSIN/NAN, Dec 2011)
- *Our Children, Our Future, Our Vision – First Nation Jurisdiction Over First Nations Education in Ontario* (Chiefs of Ontario, Feb 2012)
- *Challenges and Needs in Kikinahamaagewin (Education)* (Nishnawbe Aski Nation, Feb 2012)





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July 2012 – Resolution 28/2012: Special Assembly on First Nations Education

Affirming First Nations' control of First Nations education as a national priority, Chiefs-in-Assembly called for a Special Assembly on First Nations education to identify a way forward for learners and communities.

November 25, 2013 – Open letter to the Minister of Aboriginal Affairs and Northern Development

In an open letter to the Minister, the National Chief reiterates First Nations firm opposition to the unilateral control and efforts by AANDC in developing First Nations education legislation. The letter reaffirms past First Nations resolutions and sets clear conditions to achieve true reform in First Nations education.

December 11, 2013 – Resolution 21/2013, Outlining the Path Forward: Conditions for the Success of First Nations Education

Chiefs-in-Assembly re-affirm First Nations rejection of the Federal Government's October 2013 Proposal for a Bill and outline a clear path forward, including five conditions for success:

1. First Nations jurisdiction and respect for Treaty and rights;
2. Statutory guarantee of funding;
3. Funding to support First Nations education systems that are grounded in Indigenous languages and cultures;
4. Mechanisms to ensure reciprocal accountability and no unilateral oversight.
5. Ongoing meaningful dialogue and co-development

February 7, 2014 – Announcement of agreement to First Nations Control of First Nation education

and implementation through legislation that sets an enabling framework respecting Treaty and Aboriginal rights, establishes a statutory funding guarantee, and provides for systems, supports and standards jointly developed with First Nations fully recognizing the importance of First Nations languages and cultures.

