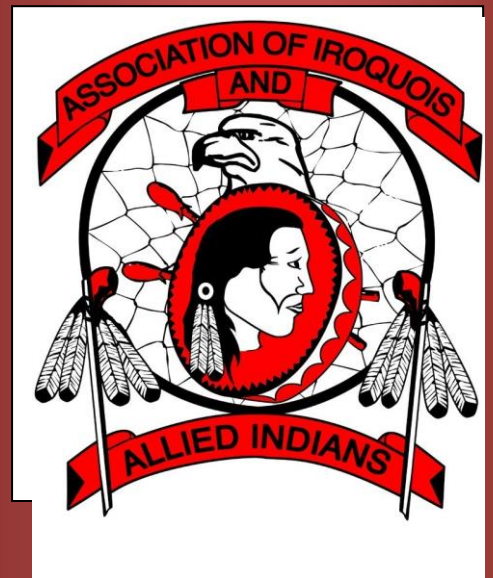


2011

Advancing the Vision On First Nation Education

**Association of Iroquois
and Allied Indians**



Draft Position Paper

9/23/2011

Preamble

The purpose of this position paper is to provide a political and technical response on behalf of the eight First Nations that the Association of Iroquois and Allied Indians represent. The member Nations include:

- Batchewana First Nation
- Caldwell First Nation
- Delaware Nation Moravian of the Thames
- Hiawatha First Nation
- Mississaugas of the New Credit First Nation
- Oneida Nation of the Thames First Nation
- Mohawks of the Bay of Quinte (Tyendinaga)
- Wahta Mohawks First Nation

This paper is in response to the following studies currently being conducted by the federal government on First Nation education which includes:

- Presentation to the Standing Senate Committee on Aboriginal People- September 2011
- National Panel study – June-December 2011
- Ontario New Agenda Report in response to the National Panel study – September 2011
- INAC K-12 Summative Evaluation 2011-12

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Introduction

In good faith and spirit, the Association of Iroquois and Allied Indians (AIAI) welcomes this opportunity to present before the Standing Senate on Aboriginal People Committee on First Nation education. On behalf of the AIAI member Nations, we are presenting a position regarding First Nations' jurisdiction, tripartite agreements, improving student success, as well as legislation and underfunding.

History

From the very beginning of time, First Nations have always exercised their inherent jurisdiction over their people. Shortly after the arrival of the Europeans, Canada entered into treaties with First Nations which made a promise of providing a western education for First Nation people. This was later reaffirmed in the 1982 Constitution Act, Section 25. To this day, the federal government has only enacted a delegated jurisdiction approach on First Nations education.

Over the years, different approaches were applied to educating First Nation children, such as residential schools and provincial integration, each resulting in the hope to assimilate First Nation children into the mainstream society. In 1972, a First Nations' vision emerged which supported, "First Nations Control of First Nation Education" followed by the recognition of First Nations inherent right of self government. As a result, AIAI stands here today on behalf of our eight member Nations to affirm First Nation jurisdiction, to develop relationships, and to improve life-long student success.

Overview of AIAI

AIAI currently represents eight (8) First Nations in Ontario with a membership of approximately 20,000 people. Our member Nations are geographically diverse, living in northern, eastern and southern Ontario. Our tribal affiliations are equally diverse consisting of Mohawk, Potawatomi, Oneida, Mohawk, Ojibway and Delaware. Despite the diversity, AIAI is a non-profit organization which advocates for the political interests, such as education, for the eight member Nations.

Overview of Member Nations Governance & Service Delivery Structures

AIAI member Nations' governance and service delivery structures are diverse as well. AIAI member Nations have governance structures which are bilaterally managed jointly with Aboriginal Affairs & Northern Development Canada (AANDC), or First Nation managed through an elected Education Board or a Council's Committee or directly managed by a First Nation's Council. Equally diverse are their service delivery structures, either as an independent education authority or a department of Council. All of these service structures support K-12 students in a First Nations school, or a provincial school and/or a registered private school.

Education Jurisdiction

AIAI member Nations' position is to affirm First Nations jurisdiction over their education systems. The federal government must legally recognize First Nations governance and service delivery systems.

AIAI firmly believes in an education system which is student based and community centered. This type of service delivery approach supports the students' life-long learning journey and calls upon the community support systems to meet the needs of the students, the parents and the family. The family, extended family and community, provide ongoing recognition of success, empowerment to students and parents, the opportunity for parents to reach out into their community for support and advocacy and to assist students in the transition from community to schools. This is the foundation for what First Nation people strive from birth to the end of life. An example of this is the Hiawatha First Nation who exemplify as a best practice resulting in 99% graduate rate.

As noted above, many AIAI member Nations are diverse in culture, language, governance, service delivery as well as needs. Therefore, a governance structure must allow for diversity and must be controlled and driven by First Nations. For example, a governance structure can be built on a clan system, an elected board or a parent committee. This type of governance system empowers the First Nation communities to develop their own laws and policies, oversee the management of First Nations schools, tuition agreements, advocacy, parental engagement strategies, local curriculum development, and language and culture initiatives. If the federal government is looking at reforming education, it must originate and empower the people at the grassroots level. It must allow First Nations the right to have choices, to make decisions to meet their needs and to develop principles to which their community can strive. An example of this is the Mississaugas of New Credit First Nation who formulated an elected board to have authority over their education system with a built-in political and reporting relationship with their respective Council.

This is an inherent right, this is empowerment and this is education reform at the grassroots level.

Tripartite Education Agreements

AIAI member Nations support the position of partnership agreements as long as it does not interfere with First Nations jurisdiction. AIAI member Nations can envision potential partnerships to provide second level and regional support services.

Currently, AIAI member Nations are diverse in partnership agreements. Some AIAI member Nations have an informal agreement for second-level services with the Indigenous Education Coalition and some do not. All AIAI member Nations have a formal provincial tuition agreement for elementary and/or secondary programs and one First Nation school has a direct partnership relationship with AANDC.

At the same time, AIAI member Nations are in the process of establishing potential partnerships with the Ministry of Education, Aboriginal Affairs, Chiefs of Ontario and AANDC to develop a

regional Student Achievement Strategy to address broader issues on Literacy and Numeracy, Assessment, Parent Engagement and Infrastructure. Also, AIAI has been actively involved in an informal partnership with the Ministry of Education, the Chiefs of Ontario, the Ontario Public School Board Association and affiliates in the development of an Ontario First Nation Tuition Agreement Guide.

So, whether it is formal and/or an informal partnership agreement, AIAI member Nations do agree in partnership agreements as long as there is a clear understanding of jurisdiction, roles and responsibilities, expectations and accountability. AIAI member Nations are not looking for a cookie cutter approach or a one size fits all. Currently, AIAI member Nations have agreed to move forward to Phase 2 of an Education Partnership in developing an Memorandum of Understanding with potential identified partners.

In essence, establishing a possible tripartite partnership could include;

1. A clear statement on First Nations' jurisdiction to include laws and policies pertaining to First Nations governance and to provide direct services delivery to the community. Examples are parental engagement, advocacy services, local curriculum development, tuition agreements and language & culture initiatives, as well as keepers of success stories.
2. Second-level Support Services Partnership to provide collective indirect services to First Nations. Examples are assessment, data management, special education services, program reviews, language & culture revitalization, capacity building support for governance and parent engagement.
3. Bilateral and/or Tri Party Regional Partnerships with collectively guiding principles to address issues at a broader level. Examples are capacity building, communication, Aboriginal curriculum resource linkages, clearing house, representation and research.

This would allow AIAI member Nations direct jurisdiction over their education system and the program supports needed through an agreed upon tripartite/bilateral partnerships to improve their education system.

AIAI diversity is a prime example of how member Nations can collectively partner together without interference in their First Nation jurisdiction of education and at the same time establish formal and/or informal partnerships as well.

What is equally important to any agreement is the "relationship and trust" beyond the written or an informal agreement. It is the ability of both parties to consult on issues, to communicate effectively, to give recognition of success, to be accountable and work together towards common goals.

Lastly, accountability needs to be a shared by both partners. AIAI member Nations are of the same minds in understanding AANDC requirements to improving accountability of First Nation programs and services. At the same time, AANDC needs to be of the same mind on their

accountability to the First Nations which must be open and transparent to AIAI member Nations and to ensure member Nations' participation in the initial development and design of any tripartite partnership agreement.

Legislation Framework

In 1991, a national "First Nation Education Act" was developed by the Assembly of First Nation. Unfortunately, once again we are discussing the same legislation which was previously denounced.

If sections of the Indian Act legislation is to evolve, AIAI member Nations are of the position it must

- recognize and affirm Section 25(1) of the Constitution Act, 1982 on recognition of Treaty rights
- affirm the federal government fiduciary relationship on education
- be an exclusive agreement whereby First Nations have the power to enact education laws.
- legally recognize education authorities structures established by First Nations.
- allow First Nations to enter in partnership agreements when requested.
- demonstrate a vision that is student centred, to include life-long learning from Early Learning to Post Secondary whether living on or off reserve.
- must have general guiding principles that allows for First Nation diversity.
- be flexible and recognize tribal culture and language education.
- demonstrate a clear and transparent roles and responsibilities and guiding policies of AANDC.
- demonstrate a transparent accountability mechanism for parents, community and AANDC. Also, to include a community- based program review process to showcase First Nations' best practices, identified issues and/or collective concerns.
- have an appeal process
- demonstrate a process to address conflicts and measures for improvement
- have a funding commitment to ensure a comparable and equity education similar to the Province.

What it must **not** include,

- is a National or a Provincial First Nation Education Act and/or any type of legislation which impinges on First Nation jurisdiction or the federal government fiduciary responsibility.
- is transfer of the federal government responsibility to Province and/or any other 3rd party delivery organization. AIAI is of the position that this will only create another tier tied with additional costs and result in less funding to the First Nations. Secondly, this will infringe on First Nation inherent jurisdiction by allowing a Provincial school board control over First Nations schools.

Furthermore, any legislation change must have an open and transparent consultation process with AIAI member Nations in the development and design of the legislation. AIAI member Nations request the federal government not to come to us with a pre designed legislation with the expectation to consult. AIAI member Nations must play an active role as this legislation will affect our unborn children for many generations to come.

Underfunding

Today, First Nation children do not receive the same programming as all Canadian children experience. First Nations schools do not have operational libraries, computers, classroom resources and equipment, arts programs, programs to address students with special needs and a well maintained school facility. These tools are essential to tap into a child's learning environment. The real message First Nations are echoing today is inadequate funding impacts tools, tools impacts a student's learning, a student limited learning environment impacts student success. We now call upon the federal government at this time to make a funding commitment to ensure a more equitable and comparable education program similar to what all Canadian children are guaranteed. It is the hope and the intent of the Senate Committee K-12 study, the National Panel study and the INAC Summative Evaluation that at the end of day, the federal government will provide a funding commitment for First Nation education. We would hope this would not be another study to be shelved as another reference material for future deliberations.

Improving student success

AIAI member Nations are of the same minds in improving the current 36% secondary graduate rate. At the same time in our forward thinking, member Nations share the desire and expectations for First Nations children to reach their fullest potential. It is the 1972 "Indian Control of Indian Education" Philosophy of Education which affirms this foundation,

" In Indian traditions each adult is personally responsible for each child, to see that he learns all he needs to know in order to live a good life. As our fathers had a clear idea of what made a good man and a good life in their society, so we modern Indians, want our children to learn that happiness and satisfaction comes from:

- Pride in one's self,
- Understanding one's fellowmen, and,
- Living in harmony with nature.

These are lessons which are necessary for survival in this twentieth century.

Today, in the twenty first century, AIAI member Nations are of the same belief. First Nation children need to be proud of who they are, to be recognized and encouraged in their gifts and to be provided with the skills to be a good productive member of mother earth. In order to achieve this, First Nations children must be provided with the opportunity to be immersed in their cultural identity along with funding and tools needed to have a comparable and equitable education and support systems currently provided to all Canadian children.