

School Governance On-Reserve: An Unsatisfactory State of Affairs

Aboriginal Education Issues,
Canadian Economics
Association

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“The Choice”
Gerald Folster,
Manitoba artist



from “Hawthorn Report” to RCAP

- Trudeau’s “**White Paper**”: foil for Cardinal’s “**Red Paper**”, the key report leading to **s.35 of Constitution Act** and **RCAP**
- **Hawthorn Report**: second major AANDC policy review
 - policy should not be directed at assimilation (“the research on which the Report is based was not directed to finding ways in which Indians might be assimilated” (v.1,10)), but ...
 - Hawthorn insisted “that individuals be given the capacity to make choices which include the decision to take jobs away from reserves, play a part in politics, and move and reside where they wish” (v.1,10).
 - central to Hawthorn was expansion of the capacity of individuals, which required high-quality on-reserve social services.

From *Indian Control of Indian Education* to *First Nation Control of First Nation Education Act* (Bill C-33)

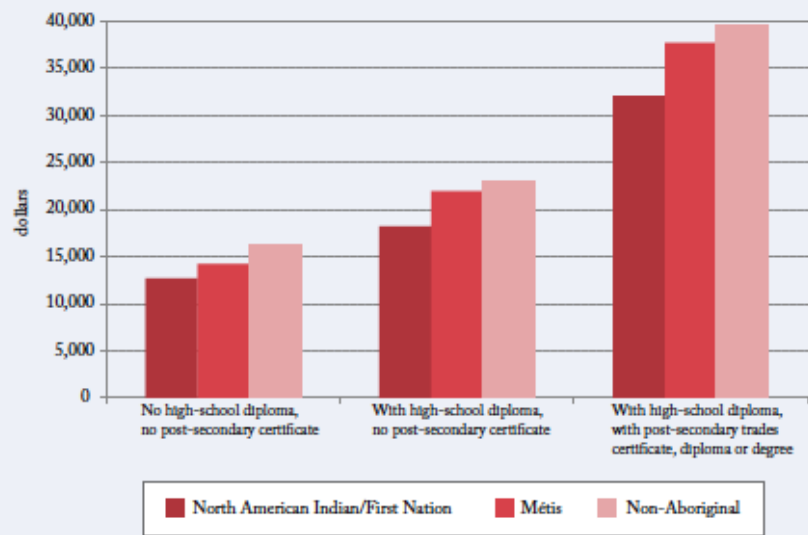
Indian Control (NIB 1972) first major First Nation statement on education policy:

The past practice of using the school committee [composed of band members] as an advisory body with limited influence, in restricted areas of the school program, must give way to an education authority with the control of funds and consequent authority which are necessary for an effective decision-making body. *The Federal Government must take the required steps to transfer to local Bands the authority and the funds which are allotted for Indian education.* (NIB 1972,30)

Problems with NIB recommendation:

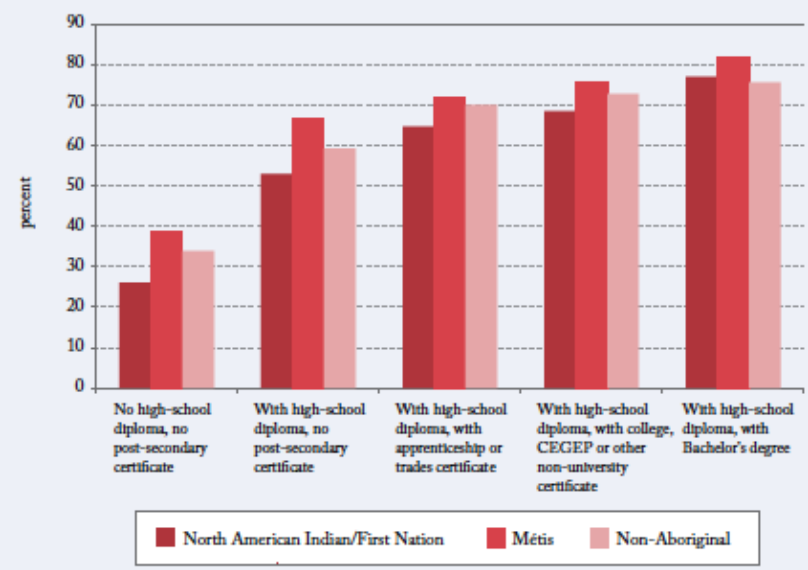
- no acknowledgment of scale economies in school administration
- no basis for funding formula analogous to provincial funding of provincial schools

Figure 3: Median Annual Employment Income, Selected Identity Groups, by Highest Education Level, 2010



Source: Canada (2013c).

Figure 2: Employment Rates, Selected Identity Groups, by Highest Education Level, 2011



Note: Employment rates in Figure 2 and median earnings in Figure 3 refer to all individuals within an identity group ages 15 and over.

Source: Canada (2013b).

The Motivation for Bill C-33 (1):

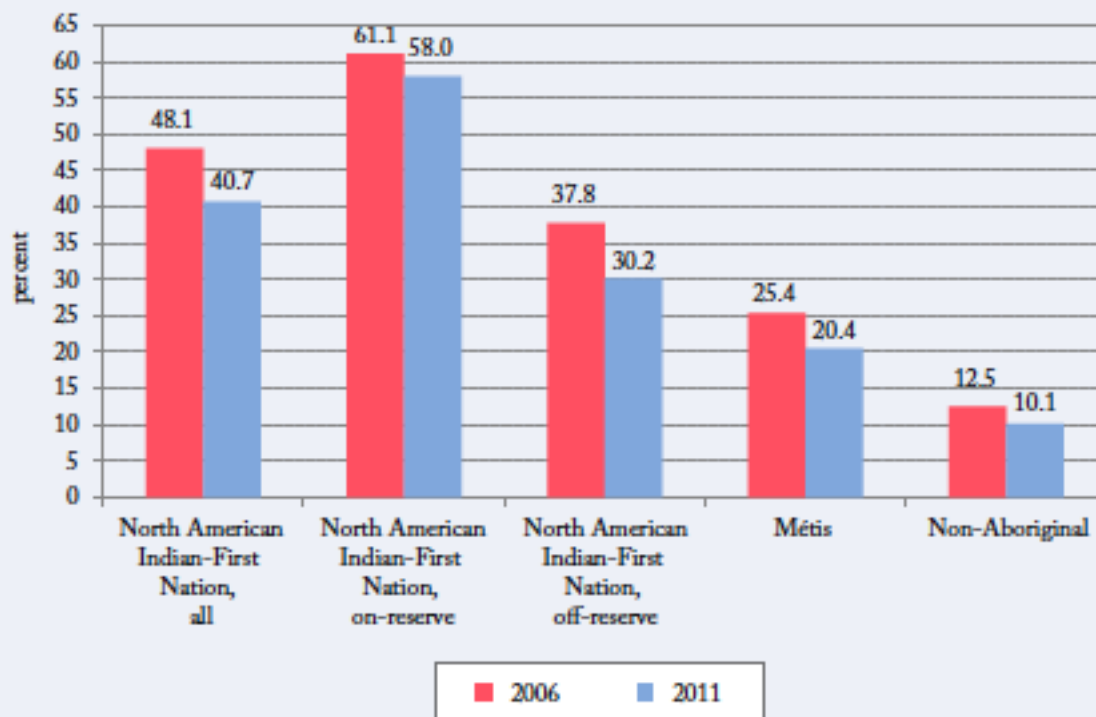
The strong links between high school completion and employment, and between formal education and earnings.

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NO. 408

Are We Making Progress?
New Evidence on
Aboriginal Education
Outcomes in Provincial
and Reserve Schools



Are We Making Progress? New Evidence on Aboriginal Education Outcomes in Provincial and Reserve Schools



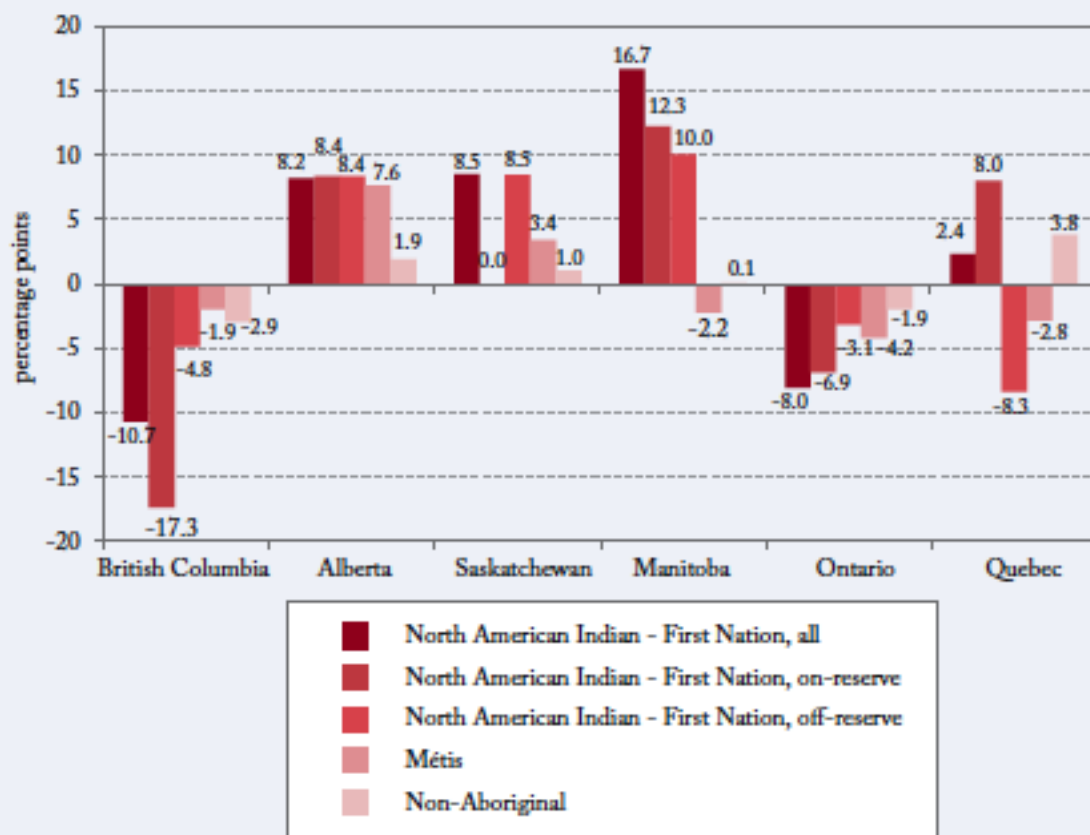
Source: Canada (2008b, 2013b).

The Motivation for Bill C-33 (2):

Very high dropout rates among First Nation children on-reserve have persisted over the last quarter century.



Are We Making Progress? New Evidence on Aboriginal Education Outcomes in Provincial and Reserve Schools

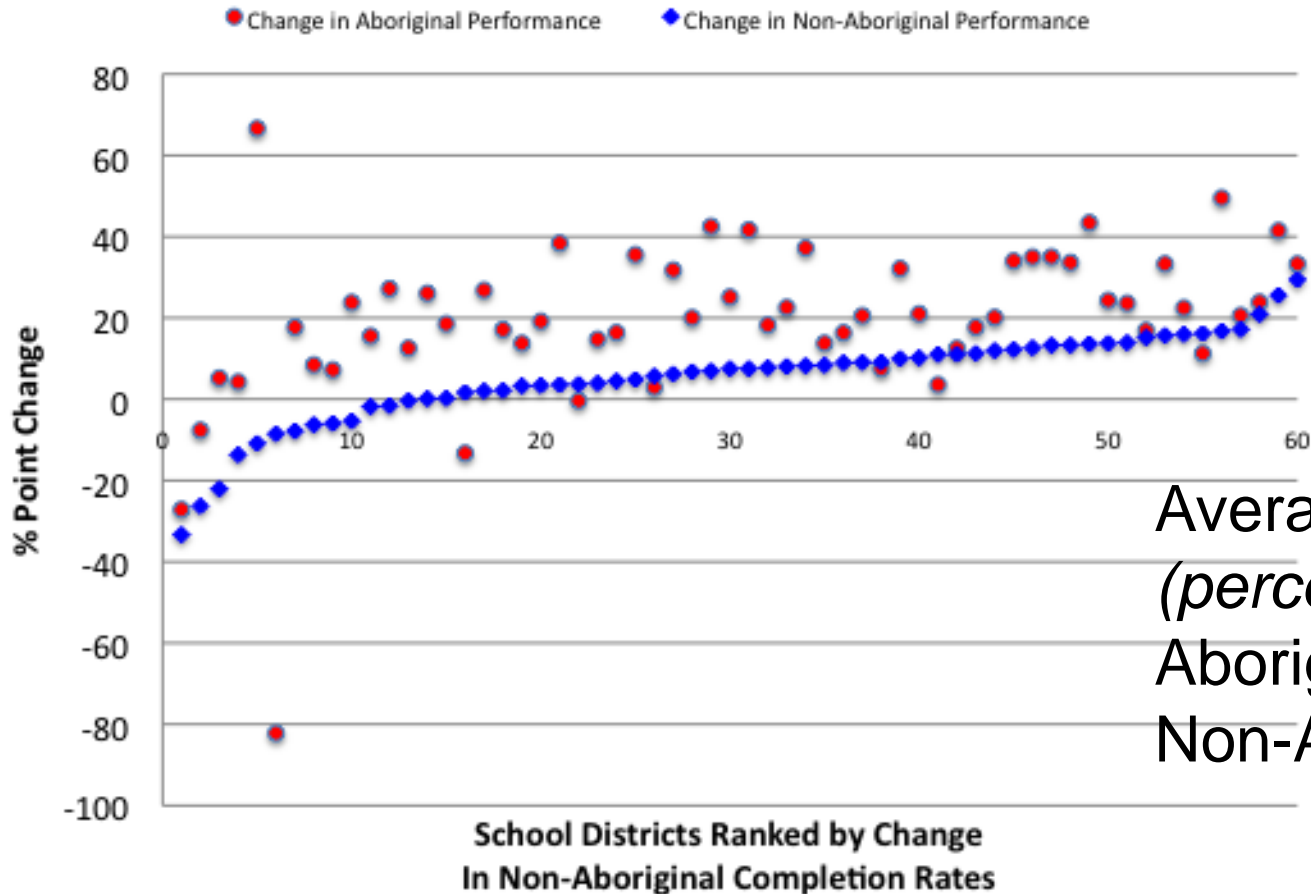


Source: Author's calculations from Canada (2013b).

The Motivation for Bill C-33 (3):

BC on-reserve education outcomes are superior to those in other provinces. “Quasi” school boards for BC reserve schools (e.g., FNEESC) explain some of this BC advantage.

Change in BC Provincial High School Completion Rates, by School District, 1999/00 - 2012/13



The Motivation for Bill C-33 (4):

BC provincial ministry has a quarter-century tradition of innovation to improve Aboriginal outcomes in provincial schools – probably relevant to BC’s better on-reserve results.

BILL C-33

An Act to establish a framework to enable First Nations control of elementary and secondary education and to provide for related funding and to make related amendments to the Indian Act and consequential amendments to other Acts

SHORT TITLE

1. This Act may be cited as the *First Nations Control of First Nations Education Act*.

Title is inspired by a 1972 NIB report *Indian Control of Indian Education*:

“The past practice of using the school committee [composed of band members] as an advisory body with limited influence, in restricted areas of the school program, must give way to an education authority with the control of funds and consequent authority which are necessary for an effective decision-making body. The Federal Government must take the required steps to transfer to local Bands the authority and the funds which are allotted for Indian education.”

Bill C-33

JOINT COUNCIL OF EDUCATION PROFESSIONALS

10. There is established a council, to be known as the Joint Council of Education Professionals, consisting of a minimum of five and a maximum of nine members, including a Chairperson and Vice-chairperson.

11. (1) The role of the Joint Council is to advise the Minister, councils of First Nations and First Nation Education Authorities on any matter relating to the application of this Act.

(2) The Minister must seek the advice of the Joint Council when required to do so by this Act.

- The intent is to create a forum for First Nation educators.
- De jure, the Minister can override the Council and “stack” it with members of his choosing. In practice, this section will almost certainly limit significantly the exercise of arbitrary powers that, in law, the Minister currently has in matters of education.

Bill C-33

COMMUNITY PARTICIPATION

25. The council of a First Nation must, in respect of the schools that it administers, regularly give students and their parents as well as elders and other members of the First Nation the opportunity to provide advice on school success plans, school policies, extra-curricular activities and education programs, including school policies or education programs relating to First Nations languages or cultures.

- The intent is to create a forum, separate from the FN reserve council, for parents and students to discuss school-related issues.

Bill C-33

ADMINISTRATION BY A FIRST NATION EDUCATION AUTHORITY

27. (1) The council of a First Nation may, by written agreement, delegate its powers and functions under sections 20 to 23, 25 and 26 to a body corporate incorporated under federal or provincial legislation if the agreement meets the conditions set out in the regulations. Any such delegation must be in respect of all of those powers and functions.

- The organization of reserve schools across Canada is diverse:
 - Most are community, “stand alone”, reporting to a band council
 - Many have delegated some powers to an organization encompassing numerous schools
 - A few have a partnership arrangement with a nearby school district
- This section enables creation of First Nation equivalents of provincial school districts, and enables First Nations to delegate powers to such as a FNEA.

DIRECTOR OF EDUCATION

35. (1) A responsible authority is to employ a director of education to supervise the day-to-day management and operation of each school that it administers.

PRINCIPAL

36. (1) Under the supervision of the director of education, the principal of a First Nation school is responsible for

- (a) preparing and implementing a school success plan;
- (b) implementing the school's education programs;
- (c) planning extra-curricular activities;
- (d) planning the school's daily schedule;
- (e) supervising the teachers;
- (f) ensuring that the students are evaluated, having regard to grade level, the school's education programs and the culture of the First Nation in question;

SCHOOL INSPECTOR

37. (1) A responsible authority administering a school must employ a person, other than the school's principal or director of education, as school inspector. The school inspector must conduct an inspection of the school in accordance with the regulations.

Bill C-33

- Bill C-33 proposes three mandatory roles in management of reserve schools:
 - Director of education
 - Principal
 - School inspector
- The primary intent is to define roles for stand-alone community schools, less important in context of aggregated authorities.

Bill C-33

FUNDING

43. (1) The Minister must pay to a responsible authority, in respect of each school year and at the time and in the manner prescribed by regulation, the amounts determined in accordance with the methods of calculation established in the regulations for providing access to elementary or secondary education in accordance with this Act.

(2) The methods of calculation must allow for the provision under sections 32 and 33 of services to each First Nation school and to persons referred to in section 7 attending such a school that are of a quality reasonably comparable to that of similar services generally offered in a similarly sized public school that is regulated under provincial legislation and is located in an analogous region.

- The Finance Ministry resists legislative constraints on the ability of the government to vary funding. That was (legitimately) unacceptable to AFN.
- There will no doubt be controversy over bargaining budgets, but here is a reasonable principle in law to underlie negotiations.