

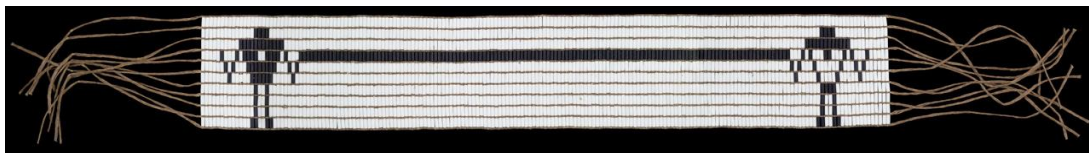
# Six Nations Path to Educational Freedom

“Return to a Life in Balance Through Education”

Education Engagement Strategy

Final Report

February 9, 2016



Prepared by A. Luanne Martin, Indigenous Education Consultant

Under Contract to Six Nations Education Committee, Six Nations Elected Council

## **Backgrounder**

The following Final Report is the result of a call out from Six Nations Elected Council, specifically the Six Nations Education Committee, to hire an Education Consultant to:

*Assist the Six Nations Education Committee and Six Nations Elected Council in reviewing, analyzing and summarizing education documents, data and work plans to develop a Six Nations Education Business Plan within the policies and procedures established by Six Nations Elected Council. (Job Description, May 11, 2015) The Six Nations Education Committee approved the Consultant's Work Plan (included in this report) as of September 1, 2015. At that time, it was agreed that the research and planning would be achieved in the following three phases:*

**Phase 1**- Undertake historical research of Six Nations Elected Council previous endeavours to prepare/examine the prospect of assuming control of Six Nations Education. This included the Community Education Project, The E.E. Hobbs and Associates Ltd. School Evaluation, the Six Nations Education Commission Project, The BomCor School Evaluation, as well as The Indian Act, Wampum Belts and treaty agreements, Indian Control of Indian Education, The Canadian Constitution, as well as other documents.

**Phase 2**- Undertake research of current documents such as the most recent AANDC School Review, Six Nations Education Summit, Canadian Council of Ministers of Education, First Nations Education Law template, AANDC funding regimes, Truth and Reconciliation Calls to Action recommendations, as well as other documents.

**Phase 3**- Undertake the application of the above information to build a suggested Education Plan with various recommendations. This includes outlining the options and the rationale for each.

Each phase was prepared and shared electronically with the Six Nations Education Committee, and a hard copy given 5 days before each of the monthly meetings: September 8, October 13, November 10, and December 15, 2015.

Each written report was set up in a way as to encourage the submission of comments, concerns, and questions at timely intervals in the report, from Education Committee members. These will be removed from the Final Report. Questions the consultant addressed to the Education Committee in the initial reports, and all red font, indicating importance of text, is also removed from this Final Report.

Phase 1 and 2 Reports had power point presentations to accompany the verbal presentations. These are included in this Final Report as appendices.

The Final Report will be the property of Six Nations Elected Council, both in hard copy and electronically.

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## SIX NATIONS EDUCATION CONSULTANT WORK PLAN

A. LUANNE MARTIN

September 1, 2015

Overview

### 1. Project Background and Description

In 1972, in reaction to the White Paper (1969), The National Indian Brotherhood revived the importance of language and culture in their response “Indian Control of Indian Education”. It stressed that “We want education to give our children the knowledge to understand and be proud of themselves and the knowledge to understand the world around them.” (p. 1)

In 1988, the Six Nations Elected Council (SNEC) hired a community member to begin an investigation (Community Education Project) into local control of education, which ended with the recommendation (later defeated) to establish local control (1993). Again in the early 2000’s, an Education Coordinator was hired, under which the Six Nations Education Commission was formed, with the purpose of once again researching the prospect of assuming local control of education. Again the option was not followed through.

In February 2015, the Draft Final Report of the “Review of Federal Schools in Ontario (Six Nations)”, initiated by Aboriginal Affairs and Northern Development, shared a key finding in the report: **“AANDC, Ontario Region is not well suited to operate federal schools on reserve.”** (p. 3)

In May of 2015, Six Nations Elected Council advertised for an Education Consultant to further the above mentioned projects. This contract will run from September 1, 2015- December 1, 2015 (12 weeks, plus one).

### 2. Project Scope

Taking direction from the Job Summary provided in the Council posting, the Education Consultant will review, analyze and summarize education documents, data, work plans, etc. to develop a Six Nations Education Business Plan.

The Consultant will attend meetings to provide updates on research, and provide reports which analyzes and summarizes data. Data will be shared in presentation format to the Education Committee, and SNEC when requested.

The Consultant will attend Education Committee monthly meetings as well as other meetings at the request of the Education Committee.

The Consultant will assume the responsibility for other duties as requested by the Education Committee, so far as the duty falls within the realm of the expertise of the Consultant.

### 3. Research Requirements

The following education project documents will be reviewed, analyzed and summarized:

- The Indian Act
- The Red Paper- Indian brotherhood
- The Royal Commission on Aboriginal Peoples (1996)
- Community Education Project Documents
- Six Nations Education Commission Documents
- Review of Federal schools in Ontario (Six Nations) (2014)
- Education Summit (2012)

In addition, further documents/research will be reviewed, analyzed and summarized, as needed, such as (not an exhaustive list):

- Canadian Council of Ministers of Education- reports on the Aboriginal challenge (2008/2015)
- Ontario Ministry of Education funding documents and initiatives
- Aboriginal Education: Strengthening the Foundations (Canadian Policy Research Networks), 2009
- Current applicable AFN and COO initiatives
- First Nations Education Law for First Nation Governments: A Template ( ONECA- Ontario Native Education Counselling Association)
- Current AANDC funding regimes

In addition, if deemed beneficial, information may be shared on

- Change Theory and Managing Change Effectively
- as well as Vygotsky's Gradual Release of Responsibility Model

Meetings may be arranged with parties involved in the prior Education Projects if clarification is needed. Webinars, conferences (such as The Commons Workshop on Aboriginal Consultations and Consequential Negotiations), etc. may also prove to be beneficial.

#### 4. Deliverables

Members of the Six Nations Education Committee will receive summaries via presentations at monthly meetings. A binder of information will be collected and added to as the research accumulates. Power point presentations will present a summary of key findings. Information will be available 3-5 days before a meeting, electronically and hard copy, to allow members to review the information prior to the meetings.

Members may also receive other information electronically, such as links to research articles.

The following phases are developmental in nature. As the consultant undergoes research, phase two and three will develop, be revised, added to, changed, etc.

Phase One- Historical Research (past projects), including understanding crown obligation for Six Nations Education.

Phase Two- Contemporary Research (funding agreements, organization for local control, AANDC funding regimes, etc.)

Phase Three- Development of an Education Business Plan- What are the options? Why is this necessary? What are the obstacles/barriers and solutions? What is the key question to be asked re: assuming responsibility? What is the common language needed- governance, constitution, treaty, Education Authority, etc.

#### 5. Affected Parties

Current Six Nations Education Committee- Chief Ava Hill, Helen Miller (chair), Sheri-Lyn Hill Pierce, Mark Hill, Robert Johnson, Karen Sandy, Marion McDonald, Tammy Hill,

Membership may change.

Six Nations Elected Council

#### 6. Specific Exclusions from Scope

Under this contract, the Consultant is not required to survey community members, although assistance to develop a survey may be included, time permitted.

The Consultant is not required to address community forums or stakeholder groups.

#### 7. Implementation Plan

Prepare presentations based on researched materials. Share presentations electronically as well as provide hard copies.

Take direction from the Education Committee to enhance the depth and scope of the research goals.

Create Education Business Plan based on options available, supported by past and current research and data.

### **8. High-Level Timeline/Schedule**

As a rough estimate, each of the three phases outlined in section 4 will be completed in 4 weeks, for a total of 12 weeks.

## Six Nations Path to Education Freedom

### *Summary Reports for Phase One-*

#### *Historical Studies/Projects*



The following pages include summary notes on

- Royal Proclamation of 1763
- Constitution Act 1867, 1982
- Iroquois Declaration of Independence
- The Indian Act
- Indian Control of Indian Education- Policy Paper 1972
- Public Service Agreement with Treasury Board (Teacher Union)
- Report of the Community Education Project 1988- 1994
- Comprehensive Elementary School Evaluation- BomCor- 2001
- Six Nations Education Commission 2002-2005

One issue that is a **repeated concern** is what language will be used- transfer? local control? manage? re-establish? devolution? school board? school authority?



### **Royal Proclamation of 1763**

This document set out guidelines for European settlement of Aboriginal territories in what is now North America. It sets out British ownership over North America, but explicitly states that all Aboriginal lands can only be ceded by treaty.

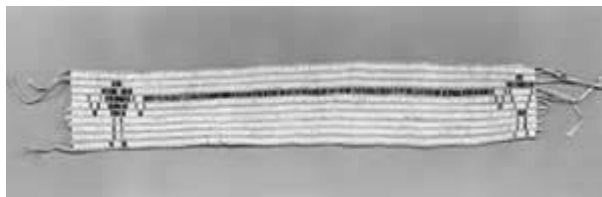
Established the constitutional basis for the future negotiation of Aboriginal treaties in British North America (debatable if it still applies- some say Constitution entrenches this process).

Established the Treaty Relationship between First Nations and Crown and established an ongoing Treaty Relationship between First Nations and the Crown. The principles guided the establishment of treaty rights and obligations for all parties – strict protocol that any dealing with First Nations people would be between The Indian Department, on behalf of the crown, and First Nations. Most treaties then dealt with land dealings.

The Covenant Chain wampum was created in 1667 between Six Nations and Great Britain to represent peace, alliance and support. If the King shakes the chain, the Six Nations will provide support and vice-versa.

With the issuance of the Proclamation, the British proposed that a treaty be entered into to negotiate and formalize the principles upon which their relationship would be based. In 1764, the great **Belt of the Covenant Chain** was exchanged, changing the Royal Proclamation into a Treaty at Niagara, between the colonists and First Nations. The proclamation was presented with oral statements and belts of wampum. All of this signifies the entrenchments of sovereign rights and freedoms of First Nations. (John Borrows: Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government pp. 169-171) “We are all treaty people.”

Further negotiations into the 1800’s included money, land, right to hunt, fish, schools, etc .



**Constitution Act, 1867 (originally the British North American Act of 1867)****Distribution of Legislative Powers****Powers of the Parliament****Legislative Duties of the Parliament**

**91.** It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say,

24. Indians, and lands reserved for the Indians

**Canadian Constitution Act, 1982 Part II****Rights of the Aboriginal Peoples of Canada****Recognition of existing aboriginal and treaty rights**

**35. (1)** The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

**Definition of “aboriginal peoples of Canada”**

(2) In this Act, “aboriginal peoples of Canada” includes the Indian, Inuit and Métis peoples of Canada.

**Land claims agreements**

(3) For greater certainty, in subsection (1) “treaty rights” includes rights that now exist by way of land claims agreements or may be so acquired.

**Aboriginal and treaty rights are guaranteed equally to both sexes**

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons. [\(96\)](#)

**Iroquois Declaration of Independence**- September 27, 1969 (Letter sent to Department of Indian Affairs from Six Nations Confederacy)

“Known All Men By These Presents, that we, the Lords, Warriors, Principle Women and People- do hereby proclaim to the Dominion of Canada and to the Nations of the Word, that we, the People of the Six Nations Iroquois Confederacy of the Great League of Peace, namely Mohawk, Oneida, Onondaga, Seneca, Cayuga and Tuscarora Nations, to be politically sovereign and independent in our rights to administer over our domestic concerns...we are obliged by conscience to declare and proclaim the right and responsibility of our authority for our lands, our laws and our people.”

Response by Minister of Indian Affairs- Jean Chretien, November 17, 1969:

“...”Our nation is Canada and the Indian people of Canada are Canadians...You of the Confederacy were born here, you live here, you are Canadians...”

Response from Secretary of Six Nations Iroquois Confederacy, November 29, 1969:

“We consider this letter to be another example of Canadian tyranny and aggression against the Iroquois nations...We find the action of a Department Minister telling us what we are, what he wants us to do and what he thinks of us- to be an intolerable offense against our definition of honor, justice, and human dignity.

The Department of Indian Affairs has not the right to swallow us up...”

### **The Indian Act (R.S. 1985) Schools- Sec. 114-122**

114- 1) Minister may enter into agreements for the education of Indian Children with the government of a province; ...a public or separate school board....a religious or charitable organization.

2) Minister may establish, operate and maintain schools for Indian Children

115- regulations such as building standards, teaching, education, equipment, inspection and discipline, transportation, (includes residential schools)

116 – attendance- every Indian child at the age of 7, but the Minister may require those children at the age of six to attend school;

- Continue until the age of 16, but not required after 18 years of age

117- attendance not required- if sick, house or husbandry duties; homeschooled; insufficient accommodation in the school

118- Protestant vs. Catholic students/schools

119- truant officers- may be appointed and outlines duties

120- denomination of teacher- should be majority of band religious denomination

121- may have a separate school for the minority denomination

122- “child” defined- 6 years, not yet 16 years, required to attend school

“school”- day school, technical school, high school and residential school

“truant officer”- RCMP, special police constable; school teacher and a chief of the band

### **Indian Control of Indian Education- Policy Paper , 1972**

Presented to the *Minister of Indian Affairs and Northern Development* by the **National Indian Brotherhood**

Goal: This is to be used “as a basis for future common action in the area of education...It is a statement of the philosophy, goals, principles, and directions which must form the foundation of any school program for Indian children.” p iii

Statement of the Indian Philosophy of Education- “...we modern Indians want our children to learn that happiness and satisfaction come from: pride in one’s self, understanding one’s fellowmen, and living in harmony with nature...We want education to give our children the knowledge to understand and be proud of themselves and the knowledge to understand the world around them.” p 1

Statement of Values: “We want education to provide the setting in which our children can develop the fundamental attitudes and values which have an honoured place in Indian tradition and culture.” p 2

Role of Parents: “Indian parents must have control of education with the responsibility of setting goals.” p 3

The paper states that we need to direct the education of our children, with participation and partnership with the Federal Government, “whose legal responsibility for Indian education is set by the treaties and the Indian Act....we also strongly maintain that it is the financial responsibility of the Federal Government to provide education of all types...that representatives of the Indian people, in close co-operation with officials of the DIA, establish the needs and priorities of local communities in relation to the funds which may be available through government sources.” p 3

p 4 “We uphold the right of the Indian Bands to make these specific decisions and to exercise their full responsibility in providing the best possible education for our children.”

4 areas for attention and improvement-

1) Responsibility- The Federal government has legal responsibility for Indian education as defined by the treaties and the Indian Act. Transfer of jurisdiction can only be between the federal government and Indian Bands. But contracts can be negotiated with provincial/territorial school jurisdictions. **These contracts must recognize the right of Indians to a free education, funded by the Government of Canada.**

There can be no transfer between federal and provincial government.

Section on how local control is established and what the local Education authority would be responsible for can be found on page 6.

**Band Education Authority** is recognized as the responsible bargaining agent with financial control of education funds.

2) Programs- Develop a program which will maintain balance and relevancy between academic/skill subjects and Indian cultural subjects.

3) Teachers- Teacher and counsellor training programs be redesigned to meet the needs of communities (recent Chiefs of Ontario initiative- 2015). Need for Native teachers.

4) Facilities and Services- All unsafe or obsolete school buildings and equipment should be replaced with modern, functional units- brought up to the same standards as those in the province.

Other topics- problem of integration into mainstream schools (p. 25)-preparation and orientation

Pages 27-32 is a summary of this position paper

Pages 33-38 is a Bibliography.

### **Agreement Between the Treasury Board and the Public Service Alliance of Canada**

**(Teacher Union)**                      Expiry date: June 30, 2014.

Article 41- Termination or Transfer of Operations (p. 89)

41.05 When an official application to negotiate the takeover of a school is received from a band council, the Department of Indian and Northern Affairs Canada will notify the appropriate Alliance representative as soon as possible.

41.06 As far in advance as possible of the proposed date of any termination or transfer of operations, the Employer will notify the employees involved and will provide an opportunity for consultation with the Alliance on details of the future pay and benefit entitlements.

### **Community Education Project: Re-Establishing Control of Elementary Education**

(Recommendations for legal and funding arrangements, negotiations, community ratification)

A Report of the Community Education Project (CEP), June 1991 Volume I (Volume II consists of appendices).

1989-1991- Three years of extensive research and community consultations, this report identifies 4 needs that should be addressed before taking steps to re-establish control of education:

1. For the community to come to some agreement on a position regarding the fundamental relationship between the Six Nations at Grand River and the Crown in right of Canada that includes the Six Nations right to education and the Crown obligations to these Six Nations
2. For the community to come to some agreement on the legal and funding arrangements that should be in place for local control of elementary education
3. For the community to come to some agreement on a process to get these arrangements into place
4. For the community to come to some agreement on how to make the decisions involved in re-establishing control of education (two councils function independently of each other at Six Nations)

This report states there is no direct treaty between Six Nations and the Crown that expressly cites a right of education. Maybe need a new treaty developed or the resolution of land claims if community does not want another agency to control education.

Recommendations set out in three groups (they are related to the recommended treaty-based approach):

1. Legal and funding arrangements
2. Negotiations
3. Community ratification

Time to “polish the Covenant Chain” for the benefit of future generations.

Parent survey of 1988 and community education survey of 1989 – both indicated local control and educational purpose (type of education).

1990- Four committees- Evaluation and Financial Analysis Committees; the Working Group on employment conditions; the Legal Committee (advice from Confederacy Council and Elected Council to establish this with advisors and liaison people)

Legal Committee organized three groups of recommendations as noted above.

It was clear that the education plan would not fit into the mould of Indian Affairs' devolution and transfer policies. All recommendations try to capture the best legal protection for the community.

### **Unresolved Issues**

1. The community incapable of resolving critical political decisions.
2. The community has no clear and commonly shared positions about what our education rights are and where they come from.
3. Handsome Lake's caution against education (link to Confederacy Council)

**Everyone agrees-** we are responsible for children and future generations; children need education; education can rebuild our community; community controls type/quality of education; our people are capable of operating our education system; if we don't control education, someone else will.

**Legal Committee Recommendations** (based on community input and extensive research and consultation)

### ***Legal and Funding Recommendations:***

Jurisdiction- (created a Statement of Jurisdiction)- Treaties began in 1664 with the Crown with obligations put in place. Our inherent right to determine internal affairs- eg. establish a single entity to be responsible for education matters, develop management, development and supervision laws for the system, also content, priorities and policies; from pre-school to post-secondary; may enter into agreements with other institutions; Government of Canada is responsible for adequate levels of funding, and provide advice and support.

Gradual transition back to community on terms that Canada and Six Nations agree on. This statement contains the principles and objectives governing the negotiation of legal and funding arrangements. \*\* Report states treaty relations with the "Crown" as we do not have any with Canada- Did Canada inherit them or do we need a first treaty? Asked for direction from Confederacy Council but none came forward. Use of the Constitution and court cases recognize and affirm Aboriginal and treaty rights. (Pre-confederation with British Crown- Friendship Treaties and Two Row wampum). Gives History of British Crown transition to Canada (p. 10)

\*Have to determine what the Crown obligations are- Implicitly indicates Canadian Crown assumed obligations now referred to as *fiduciary* or trust-like in Canadian legal theory.

p. 12 Two Row Wampum, as Haudenosaunee understand it, expresses obligations (financial) to provide education (see footnote #10, which is missing.)

### Legal Character of the Education Authority

Unable to determine which government the education authority would be responsible to. It should be established by Six Nations law (which has not yet been created). The community must identify a law making process that it will recognize for this purpose. We have two law-making political bodies, so presented 3 options to “enact” law to establish the education authority:

- 1) Education law passed through both councils to become everyone’s law- perception of working with Indian Act is a concern, but it is community law
- 2) two-tier system- Confederacy the senior government, elected council (administrative council) oversee day to day. So Administrative council reviews and recommends the education law created, and enacted by Confederacy. The education authority would be a separate administrative body responsible only for operating the education system
- 3) Select option two, but gradually, eg. Confederacy could establish education authority by enacting the agreement in education law at Grand River, and then continue on to develop the law, roles and responsibilities.

Concerns- a) Confederacy and Handsome Lake’s concern over education not being ours  
b) change- 1 is the least change, 2 is most; be wary of too much too soon

\*Final Recommendations- Both councils use their law making capacities to make laws to establish a community-based education authority; education authority should not be a “school board” under any other jurisdiction, provincial law, or Ministry; Canada can create a law to recognize the education authority; the authority is accountable to the *government* and people of Six Nations; must have a clear constitution/laws for internal structure and operation; the authority will have the power to enter into contracts/agreements; it will not be incorporated under provincial or federal law (a Confederacy concern stated here); the authority should be insured for all members and employees for personal liability; not linked to any religious organization.

### Ownership of facilities

Unable to fully investigate at this time- generally recommend the pursuit of ownership of the buildings by Six Nations; responsibility for construction and maintenance rests with the federal government



Funding (*federal* obligation to fund, funding sources and funding levels)

Obligation to fund: Community input agrees on the federal obligation to fund education but not sure why, differing rationales. *Recommend*: the community come to an agreement on this obligation before negotiating for control.

\*\*\*\*Legal advice: "...there is no expressed legislated obligation on the federal government to provide funding for education of Indian children...a legally insecure footing with respect to funding."

P.22- there is no treaty to demonstrate Crown obligation to provide and fund education. States various interpretations as to obligation to fund eg. 1928 promise to free education.... Use of land claims as leverage? This is mentioned a few times. Also is there a provincial responsibility? Unsure of the rationale behind this statement.

*Funding Sources*: Not yet investigated. There is a "purse" controlled by Treasury Board of Canada, legislated by the federal Financial Administration Act, managed by federal Indian Affairs department. Must consider all funding sources, and is it appropriate in amount? The federal level of Canadian government is the primary level to access funds from.

(Haudenosaunee believe it is Haudenosaunee money generated from lands/resources managed by the government). Concerns- level of funding, accessing funds, funding mechanisms such as contribution agreements, Ministers authority in the Indian Act (INAC).

*To investigate*: create unique fiscal relations between Haudenosaunee and Crown, but Crown probably won't go for any new arrangements (gives 9 examples of various unique arrangements p. 25). Report continues to extensively outline various funding scenarios which warrant a more in-depth look at a later date, for example, parliament appropriates funds; bank arrangements made by the Receiver General. But again, INAC probably won't want new arrangements made.

In light of probably not using land claims or a unique fiscal relationship, will need a "back up" plan, such as "As an interim measure, the Haudenosaunee agree to conduct matters of fiscal arrangements for education with the agent identified by the Crown" (p. 27)

*Recommendation*: Maintain the federal government is primary funding agent for Haudenosaunee education; Pursue provincial role in funding; research appropriate methods to access funding.

Funding Levels and mechanisms: Adequacy of funding is of primary concern. Completed "*Evaluation of Elementary Education at Six Nations*" (Sept. '90- Feb. '91) **by E.E. Hobbs**- addressed current and projected needs under local control. Then the same company did a second study, "A Comprehensive Analysis and Funding Requirement", which examined all needs, identified those that were missed, developed funding formulas(s) and provided a 10-

year forecast of funding needs. Although this was not completed in detail, it was predicted that the needs will far outweigh funds available through INAC.

*Recommendation:* Funding arrangements for the local control should provide for funding levels adequate to meet the need and priorities of this system as determined by the community. Also, create a team of resource people to identify funding priorities if funding might need to be phased in. Further, methods to project costs will rest with the Six Nations Government. These will need mechanisms such as automatic financial adjustments so as to not be locked into underfunding (back to unique funding arrangements). The unique arrangement and the projection provide accountability and planning on the part of the federal government.

\*\*\*\*There are very detailed outlines re: funding arrangements that require a closer look once a decision is made or a feasibility study is underway, e.g. based on the concepts and principles of existing financial transfer arrangements between the federal and provincial governments

*Recommendation:* Methods to project funding needs should rest with Six Nations government. e.g. funding formulas-a valuable planning tool, expenditures, actuals, etc.

Dispute Resolution- Recommend an on-going dispute resolution process be identified in the education agreement; provides for mediation and arbitration; terms of reference be developed with some details of that, e.g. develop a board for arbitration; requires a consensus decision;

Implementation of Arrangements- Ratification process needed to implement an agreement of the nature recommended in this report. If it is bilateral through treaty, it is already covered in the Constitution then does not need to be ratified by federal/provincial legislation.

### ***Negotiation Recommendations***

The decision to support the recommendations for local control needs a process for **Community Ratification (Part 3)**. Must have legal and funding arrangements in place to re-establish control; be consistent with existing treaties; affirm Crown obligation to fund; recognize Six Nations education authority will be final administrative decision maker; obtain funding based on need.

Main Strategy is *negotiation* as this reflects polishing the Covenant Chain to resolve issues, but alternative is *litigation* (To prosecute or defend; pursue; a legal proceeding in a court; a judicial contest to determine and enforce legal rights. thefreedictionary.com)

Internal Preparations- This is a preliminary stage. Community position becomes the mandate of the negotiating team.

Recommend a **thorough understanding of historic covenants.**

Recommend **the community supports not only the position, but the process/methods.**

Negotiating Team Recommendations- **Very lengthy- Six people as core, resource people brought in as needed; not be political appointees; membership proposed to both councils, who may reject a person. The team will set out time frame, mandate, strategies, all which need community approval.** Much detail is given p. 36-39 to outline duties.

Signatories- Remains unresolved due to the long standing governance issue. If a treaty based agreement is used, it must have two recognized parties. **Recommendation:** The **Confederacy Council** be the signatory. May be seen as an Interim measure. Refer back to the two-tier system with Confederacy the senior level and elected council day to day internal affairs. Also refer back to the treaty arrangement protocol, in which elected council does not have treaty making powers (Indian Act gives administrative powers). P. 41 of report.

p. 42 deals with survival as Distinct people, Great Law, duties of Chiefs, but will Canadian government recognize Confederacy?

Confederacy Council presented 4 principles that cannot be compromised (p. 43). a) all agreements must be acceptable to all of the people b) deliberate in good faith c) protect and maintain the Constitution and culture d) cannot enter into agreements that will subject the people to the laws of another nation. Also still wary of education due to Handsome Lake's caution. But the 71<sup>st</sup> wampum, provides for amendments to the Constitution if needed to meet the changing needs of the people (adding rafters).

If Confederacy is not willing, then the "Project" should ask for direction and guidance from them on how to proceed to obtain the community's stated goals.

P. 45-48 has discussion on implications for Elected Council re: governance and jurisdiction.

**External Aspects of the Negotiation Process-** through legal and funding arrangements that are treaty based.

Existing processes- a) Declaration of Political Intent through the Indian Commission of Ontario- this does not address the concerns of jurisdiction and responsibilities for Six Nations. Many details as to why on p 50. e.g. No commitment by federal and provincial governments to participate actively and cooperatively b) Community based Self Government Program of INAC- Confederacy total rejection of this; assumes Indian Act applies fully; also education is not on the six essential areas of jurisdiction outlined in the program c) Alternative funding arrangements (AFA) - even less preferable- just greater devolution of administrative control from INAC.

*Type of Agreement- “New” Negotiation Process-* If treaty based, need to clarify an existing nation-to-nation treaty relationship. Confederacy has this in the “Covenant Chain”- polishing it. This is the renewal and re-examination of the relationships found in the treaties. The lawyers hired, Henderson & Pratt, felt treaty making was timely and legitimate for the government’s fiduciary obligations- based on respect and consent.

Factors Affecting Treaty Based Negotiations- 1) political will- mindset of federal government to be willing (land claims, Truth and Reconciliation (2015)); stance of provincial government; 2) sites court decisions for the duty to *negotiate p. 53* 3) the lawyers do not see any impediment to bilateral negotiations being treaty based 4) it is federal government’s duty to take steps to allow a treaty based agreement to be developed

Other Parties to the Process: bi-lateral- Six Nations-federal government; tripartite- Six Nations-federal government- provincial government. The lawyers indicate a tripartite is beneficial as the provincial rates of funding can be used, or province might be willing to top up funds. Also for curriculum, training needs, and may support any future arrangements, rather than resist them. Caution- Federal government may off-load responsibilities to the provinces.

Maybe have 2 bi-lateral agreements- one with federal government, one with province.

**\*\* This document is missing pages 57-71. The remainder of the document is a list of footnotes (#30-71); an itemized list of 52 recommendations; an index and listing of research papers and court cases. Negotiation strategies; Community Ratification/Approval of the recommendations; Legal and funding arrangements; Negotiations (missing pieces)**

**Report of the Community Education Project:** A Summary of Activities Sept. 1988- August 1994

“This report outlines the summary of activities and work completed through the CEP as part of the development of the comprehensive education plan for Six Nations.”

Outlines the many other initiatives CEP was involved in: language, postsecondary funding, counselling and services, tuition agreements, etc. Attended many outside meetings and conferences eg. Sweetgrass Language Conference

There were 59 summary reports prepared over the years.

**The final challenge for Six Nations community is for people to work together.**

**Year One, Sept. 1988-Aug. 1989:** presentations to Home and Schools, Six Nations teachers, Confederacy and Six Nation Councils; held education conference; parent and community surveys;

Identified eight components of a comprehensive education plan: \*community control system (internal infrastructure), \*programs and services, \*facilities and equipment, \*staffing and

personnel, \*organization management and communication systems, \* funding and finance, \*legal arrangements, \*implementation

**Year Two, Sept. 1989-Aug. 1990:** phased approach to begin with elementary; continue sharing of information, analysed surveys and created summary reports; summary of Haldimand Board of Education; contracted consultants to do school evaluation; in-depth research on 8 components of education; legal consultants contacted; other conferences, meetings;

**Year Three, Sept. 1990-Aug. 1991:** 4 sub-committees established- evaluation, legal, funding, working group on staffing issues and each had to formulate own Terms of Reference; formalized community awareness campaign; draft of interim community ratification process; postsecondary caps; legal opinions; staffing re pension, benefits, employment standards; continued with many outside networking meetings and conferences- Hamilton Women's Council, TVO participation;

**Year Four, Sept. 1991- Aug. 1992:** Cash flow restriction by Six Nations Council pending decision to control education; report on "Will We Re-establish Control of Elementary Education? The Community's Response..." shared; transitional school board; on-going liaison with both Councils; develop Six Nations Education Association to coordinate education needs; final recommendations to both Councils; draft framework agreement for education to Councils; lots of postsecondary work completed; also review secondary tuition agreements; Brock teacher training programs; 1-day consultation session with education staff on staffing issues; begin discussions on education law; draft final report on "Comprehensive Analysis of Funding Requirements- Elementary Education"; architect proposals for education administration centre; conferences and meetings; persistent concerns- mistrust of INAC; fear of taking responsibilities for decision making;

**Year Five, Sept. 1992-Aug. 1993:** prepare all progress reports for Declaration of Political Intent activities; Continued liaison with principal's, trustees, teachers, councils, School Committee; updates through radio shows and information booth; develop education board model, with draft constitution and policies; advertisement for Board members, selection and initial in-service, committees identified; Phase I education law project begins and Phase II is developed; training for contracted facilitators re: negotiation skills and strategies; meet with Councils and draft press release; work with postsecondary and Grand River Polytechnical Institute start up; policy analyst contracted to draft school handbook policies, finances and human resources; special projects coordinator hired; negotiate training funds for Supervisor,

**Year Six, Sept. 1993-Aug. 1994:** shift focus to implementation of education plan through establishment of Six Nations Education Board, negotiations, prepare operating policies; radio shows, flyers updating Education Board implementation and negotiations; Education board established; Phase II of law development in progress; Negotiation team identified by Education Board, negotiator contracted and negotiations in progress; legal counsel retained; provide financial admin service for Polytech; intent to renegotiate secondary tuition agreement;

consultant to revise School Operations Policy; SN board made transportation decision; worked with SN education staff for learning materials inventory, staffing requirements, spec ed model, etc.; specific school planning for 1994/1995 with Board principals; staff complement identified; question about INAC issuing surplus notices to federal education staff; supervisor selected; pension and benefits company identified;

**Consistently these were persistent concerns:** maintaining the federal obligation to fund; language and culture with quality education; communication strategies for transition to local control; stress and fear related to change

#### Information from Appendix I

A Brief History of Community Education Project- 1984, INAC study of Six Nations and New Credit Reserves School Development Program. 1985 development of Declaration of Political Intent (DPI), signed by Federal and Provincial Governments and First Nations. Relates to self-government and exercise of jurisdiction and powers. Facilitated by Indian Commission of Ontario (est. 1978) as dispute resolution. 1987, Six Nations Council committed to negotiate through the *Tripartite* DPI process to negotiate on education. Accepted the Draft Terms of Reference for Negotiations on Education.

INAC wanted out of education by 1991 through devolution of the administrative responsibilities.

1989- Community education survey results: support for local control as long as federal obligation to funding obtained, roles and responsibilities of a community control system clearly identified, and a comprehensive education plan was completed to ensure education quality.

1991- a research consultant hired to complete a description for elementary education- a community control system, based on Haldimand Board of Education model. **Report called “A Systems’ Description for Elementary Education and Community Control System.**

The CEP scheduled to end in August, 1994 and transition to local control of all education programs and services by the Six Nations Education Board, with a locally controlled education system for September 1994.

The Board is to manage, administer, deliver and enter into agreements for programs and services, but has a time frame of 5 years, as a long term treaty based education agreement will be negotiated.

**\*\* “As a result of slow progress in negotiations between the Six Nations Education Board and the Department of Indian Affairs- the department will operate the elementary schools in September of 1994. Negotiations are expected to continue while the community attempts to address internal concerns regarding local control of education. “**

Appendix II- Provides a listing of all studies/reports conducted by Community Education Project, approximately 34.

Appendix III- financial breakdown- total Revenue- \$1 290 124.99; total Expenses- \$850 899.86

With surplus of \$439 225.13

### **Six Nations Elementary Education Steering Committee- Elementary Study 2000-2001**

Six Nations Elementary Education Evaluation - "The evaluation is mandated by the Six Nations Council to evaluate the delivery of education services provided by Indian and Northern Affairs Canada to the Six Nations of the Grand River." Concerns are a result of the **Auditor General's Report, 2000, which identified delivery of education by INAC as inadequate.**

**Purpose of evaluation:** Identify strengths/weaknesses of elementary education; identify/prioritize goals/requirements of the education program to meet student needs; provide a practical implementation guide for the changes and recommendations.

Scope of the evaluation- Management of the education system; program delivery; curriculum resources; school climate; facilities and furnishings; communication; community involvement in the schools. Each section is broken down to very specific areas to be evaluated- e.g. bulletin board space in classrooms for second language programs. Review elementary education at the system level- INAC leadership, management practices, finances, decision-making; school level- leadership, planning, finances; policy- human resources, school operations, attendance, safe schools. These are not complete lists, but examples. Goal is to determine what it is that inhibits our student progress.

The Education Steering Committee (March 5, 2001) established to oversee the operation of the consultant/organization contracted to carry out the study. Composed of Home and School reps, one principal, one INAC rep, two community members.

Budget- \$150 000.00

June 2000- Terms of Reference for the Comprehensive School Evaluation

Much planning by the Committee as to who will be interviewed, topics covered, input from community groups, communication with community stakeholders.

BomCor Associates contracted for evaluation- \$135 000.00

Progress Report- June 29, 2001. OM Smith School would not participate. 65/884 parent surveys completed. Student performance data scarce- INAC won't release it.

Different surveys for different groups- Federal Government, Principals, Teacher/TA, Public Works, Band Council, Home and School, Parents (opinion phone poll)

### **Comprehensive School Evaluation (BomCor Associates, 2001) Findings**

Of importance is the lack of parental input, although surveys were sent home through schools, and ran for two weeks in the local papers. Only 87/884 responded.

Education historical content from 1785-1991 p. 16-21

Education System Profiling- Focus on 3 of the 8 indicators to consider.

Organizational Structure/Management: There is no formal elementary education system at Six Nations. Evidence of this is the lack of 1) Board Governance, no community-based objectives, no Operations Manual, etc. 2) There is no Superintendent of Schools.

Overall opinion on local control is for a community-elected board of trustees. A local elementary education authority is needed.

Revenue- Allocation Budget per Student- Provincial per student- \$6512. INAC per student- \$4780.11 (p. 100-101), which is \$1731.89 short.

Recommend Six Nations' **overall Education budget** (excluding Capital Construction) should be **\$7 814 400**, depending on enrollment.

Other indicators (mentioned above) are "relevant but can be downstream initiatives" (p. 101) for management to follow-up on. (Not included in this report)

Six Nations Confederacy were active participants in the first Six Nations School Board in the early 1900's- 1934- precedent for an "education authority".

#### *Recommendations:*

1. Elected Council establish an interim elementary education authority to facilitate the revitalization of an elementary education service at Six Nations.
  2. Develop a MOU for an Education Authority, to identify the roles and responsibilities of both parties.
  3. INAC provide immediate funding for the Operation and Maintenance of an education authority and the staffing of a Superintendent position.
- 1, 2 and 3 above will resolve the need for an education system and a superintendent.
4. The Elected Council facilitate a decision-making process to decide on the issue of assuming the administration of Elementary Education services at Six Nations. Page 105 outlines considerations for this.



Summary Sheet- What did we learn from this study? December 2001

1. Attendance is poor.
2. Test scores below average.
3. Some staff not qualified.
4. No education system in place- Site-based management.
5. Need to develop policies and procedures.
6. Need a superintendent hired.
7. Need Six Nations to take over elementary education.
8. Need to develop an education board.
9. Need for MOU to identify roles and relationships between education board and Six Nations Council.
10. Need for school consultants.

**Six Nations Education Commission 2002- 2005**

**October 7, 2002- Choices for Change-** the Interim Six Nations Education Authority Steering Committee presented 5 choices of varying levels of local control- see Chart (hard copy only)- 1) incorporation by Community group 2) Band Council Control 3) Local/Community Control Six Nations Education Authority 4) Jurisdiction for education remains with INAC 5) maintain status quo- do nothing.

December 2002- BCR based on recommendation from Six Nations Education Authority Steering Committee to establish a **Six Nations Education Commission**.

Mandate: Prepare for and support negotiations between the Six Nations Council and INAC that would result in: **a)** establishment of a working relationship between the Six Nations Education Commission and INAC **b)** initiatives to improve quality of education at Six Nations between 2004 and 2006 **c)** Six Nations management and administration of education by the year 2007 provided satisfactory progress in achieving commitment from the government to provide adequate funding for a quality education for Six Nations students.

Report- Six Nations Education Commission 2002-2005 “Information”

Minister of Indian Affairs sent letter to SNEC outlining INAC’s position which states that “INAC must follow specific authorities, terms, and conditions, in order to fund the education programs for First Nations”.

Report gives 9 reasons why Six Nations needs to assume administration and management of elementary and secondary education- e.g. improve academic programs, develop culturally specific programs, improve special education, improve Second language and Immersion, formalize the Six Nations community governance structure and operational management for education, etc.

Established 10 principles under which to move forward – 5 for students- to reach their potential, to give opportunities for academic and cultural experiences; 2 for Home and Community- shared responsibility, accountability; 3 for School- build capacity for educators, fair remuneration, etc.

Various Memorandum of Understanding were set up between Six Nations Education Commission and Six Nations Council as the project moved forward.

SNEC would establish a Constitution, By-laws, Financial Policies, Operations Manual, Members/Board of Directors.

Also develop a Transition Plan.

Council’s decision, on the recommendation of SNEC, to assume the administration and management of elementary and secondary education for Six Nations students by August 2005 shall be conditional upon: i) INAC providing adequate funding, as determined by council, upon the recommendation of SNEC; and ii) INAC’s support of the transition plan;

**The agreement would be between Council and INAC** for council to assume administration and management of elementary and secondary education.

Roberta Jamieson, Chief; Deneen Montour, Chair of SNEC; Claudine VanEvery Albert- Co-ordinator.

MOU for April 2, 2004 to March 31, 2005 was for SNEC to 1. Take the administrative lead and work together with council, to negotiate with INAC for the transfer of the administration and management of elementary and secondary education by August 2005; 2. To develop budgets that fund all areas necessary to provide quality education; 3. Develop a working relationship with INAC; 4. Collect data needed to assume administration and management of education “Education Initiative”.

### **The Transition Plan 2004-2005**

Introduction: The next step will be to carry out a planned move from INAC authority to Six Nations Council authority.

Mandate: As outlined in MOU: "Prepare for and support negotiations between...etc."

THE PLAN- Continue with the Six Nations Education Commission members, as well as Coordinator, admin assistant, financial assistant.

Also secure 4 education consultants to work with the education staff to study the elementary education system and to identify goals for improvement- Consultants for- Program, Special Education, Native Language, Human Resources, and a Program Admin Assistant.

The team will provide information and recommendations for the development, implementation and evaluation of plans designed to improve quality of education, develop SNEC policy documents and assist SNEC in plans to take over administration and management of education.

The Human Resources Consultant would work to develop a mutually acceptable working relationship for the future, develop a pension and benefits package, as well as a Human Resources records management process.

Cost for this year's activities: \$750 700.00 (\$850 500 is also indicated in the report)

There is a 3 page document outlining the consultation process but is a schedule of planned events, rather than an outline of the actual process. e.g. establish a protocol for SNEC to interact with principals of INAC schools.

The Six Nations elementary staff is to be officially informed that the SNEC is undertaking activity with a view to take over administration and management of education by 2005 and their cooperation is requested.

\*\*\*January 13, 2004- a memo indicated INAC Director of Education, K. Knott, would not develop a working relationship until Six Nations takes over. Will not meet with SNEC.

September 23, 2004- Council questions some of SNEC activities- e.g. was there a BCR for the transition plan? Are funds to be transferred to SNEC? No community communication plan? Council made it clear that SNEC does not operate separate from council. SNEC also directed to prepare a report outlining the funding allocation requirements to take over elementary and secondary education.

### **Final Report SNEC- July 6, 2005**

Six Nations School Board as a model for governance: appointed by SNEC initially and the second term to be determined if elected, appointed, etc. It can also modify its own Operational policies and have a number of ad hoc committees with community members and educators.

Policy Driven- using policies formed by the consultants as well as SNEC's manual that directs operations of the board.

Language and culture of high priority. PD for teachers; Partnership with GEDSB (PD, also will sell their electronic communications system to SNEC).

The report then has a chart of how the education system will be addressed and improved from 2005-2020.

There is a six page Table of Contents of School Operations Policies and Procedures e.g. programs, transportation, administration; five page Table of Contents for Human Resources policies; four pages outlining the Native Language Program; 12 pages devoted to Special Education programs and policies. These were developed by the consultants that were hired on.

### **Option One: To assume administration and management of elementary and secondary**

**education at Six Nations:** Final decision by SNEC and Council by July 19, 2005. Formal agreement by September 20, 2005 following final negotiations. Until March 2006, prepare for transfer by developing a work plan and implementation plan. Invoke dissolution policy for Six Nations Education Commission and initiate successor board. Plan for 2006-2007 school year.

**Option Two: To NOT assume administration and management of elementary and secondary education at Six Nations:** Immediately close down SNEC office- files saved, archives, furniture, etc.

**Option three: To wait until the new Band Operated Funding Formula as recommended in the November 2004 Auditor General's Report is completed:** Do nothing until 2007, but close down SNEC as in option two.

Suggest a lobby strategy e.g. email campaign, meetings, professional negotiator, sit-in; also a communications strategy.

Outlines circumstances under which Six Nations will assume administration and management of education- sufficient amount to offer top quality elementary education; specific funding- wages, special education, Immersion and Second Language, etc.; other funding concerns- guarantees of increases, legal costs, major repairs and renovations.

***Total offer from INAC: Elementary- \$11 863 063 Secondary- \$5 356 965 total- \$17 220 028***

***SNEC needs: Elementary- \$10 697 231 Secondary- \$5 043 565 total - \$19 740 796 (also includes transportation (\$1 900 000) O&M (\$2 095 000) and \$5 000 social program costs).***

Negotiations- Records accessed were more akin to consultations and information sharing sessions with INAC.

**Termination of Project:** February 18, 2005 letter to Chief and Council from Robert Howsam- Regional Director General INAC, Ontario Region. INAC felt they provided adequate funding, supported SNEC's transition plan and funded it, which were the three items they were asked to do. August 2005 was the target date, so INAC gave more funds for SNEC to hire the 4 consultants. To move negotiations forward, INAC tabled a comprehensive funding package for the August 5, 2005 transfer. December of 2004, Council decided not to proceed with the transfer, but that further study is required and **June 2005 (?)** was the new date for a decision. INAC indicates that there were discrepancies in the amounts offered and those that SNEC reported, but is not specific as to what these were. SNEC's strategic plan also suggests there is a \$4.04M difference between needs requested and those offered. INAC feels this was not the case.

INAC withdrew any further financial support. Six Nations Education Commission closed down its office.

Three pages to follow:

*Choices for Change in Elementary and Secondary Education for Six Nations-* This outlines the outcomes for education in the event that any one of the 5 options are chosen.

*Six Nations Education Commission Education Costs for August 2006-* This is the SNEC "bottom line" as to the amounts required to administer Elementary and Secondary education, including transportation and O&M. Some breakdown of funding allocations included.

*Indian and Northern Affairs Canada Offer to Six Nations for Elementary and Secondary Education June 2005.* This outlines INAC's offer and provides some explanations of allocations.

### Choices for Change in Elementary and Secondary Education for Six Nations

	Incorporation by Community Group	Band Council Control	Local/Community Control Six Nations Education Authority	Jurisdiction for Education Remains with INAC	Maintain Status Quo Do Nothing
Level of Community Decision-Making Ability	<ul style="list-style-type: none"> <li>* all decisions by board of the incorporated body only</li> <li>* no community recourse</li> </ul>	<ul style="list-style-type: none"> <li>* all decisions would be made by SNC or by an appointed/elected board</li> </ul>	<ul style="list-style-type: none"> <li>* under SNEA, board will make all decisions regarding elementary and secondary education</li> </ul>	<ul style="list-style-type: none"> <li>* level of decision-making for community is unclear</li> <li>* "advisory" role only</li> </ul>	<ul style="list-style-type: none"> <li>* none</li> </ul>
Financial - Flow of Education Dollars	<ul style="list-style-type: none"> <li>* all money flows to incorporated body</li> </ul>	<ul style="list-style-type: none"> <li>* all education money would be managed by SNC</li> </ul>	<ul style="list-style-type: none"> <li>* all education money will flow through SNC directly to SNEA (without admin fees)</li> </ul>	<ul style="list-style-type: none"> <li>* Six Nations would have no control over funds to community education</li> </ul>	<ul style="list-style-type: none"> <li>* remains with INAC</li> </ul>
Level of Control of School Program	<ul style="list-style-type: none"> <li>* school program decided by incorporated body with some input from parents' groups within schools</li> </ul>	<ul style="list-style-type: none"> <li>* SNC would be employer and manage education through their education CEO</li> </ul>	<ul style="list-style-type: none"> <li>* SNEA board would exercise full control of education program through its Sup of Ed and education staff</li> </ul>	<ul style="list-style-type: none"> <li>* no real control except as may be available through senior staff who may be Six Nations band members</li> <li>* INAC may consider a Supt of Ed</li> </ul>	<ul style="list-style-type: none"> <li>* virtually none</li> <li>* only with political pressure</li> </ul>
What has the community already said on this scenario	<ul style="list-style-type: none"> <li>* community and Six Nations Band Council have discouraged incorporation within Six Nations</li> </ul>	<ul style="list-style-type: none"> <li>* community has stated that they do not want education run by SNC - they want an arms-length relationship between SNC and education</li> </ul>	<ul style="list-style-type: none"> <li>* community has stated that they want a semi-autonomous/arms-length board to manage education</li> </ul>	<ul style="list-style-type: none"> <li>* community has been prepared to take control of education from INAC for some time</li> </ul>	<ul style="list-style-type: none"> <li>* community wants control, change, enhancement and accountability</li> </ul>
What are some of the outstanding PROs for this scenario	<ul style="list-style-type: none"> <li>* this scenario allows for the "job to be done"</li> </ul>	<ul style="list-style-type: none"> <li>* SNC already has an administration in place</li> <li>* SNC already has relationship with INAC</li> </ul>	<ul style="list-style-type: none"> <li>* community has stated that they want a semi-autonomous/arms-length board to manage education</li> <li>* community members/residents will run education</li> </ul>	<ul style="list-style-type: none"> <li>* little or no change or disruption to present education system which may be sought by some in community</li> <li>* funding remains with INAC which has the fiduciary responsibility</li> </ul>	<ul style="list-style-type: none"> <li>* easy administratively and politically as there is no change</li> <li>* staff stays with original employer - no change</li> </ul>
What are some of the CONS for this scenario	<ul style="list-style-type: none"> <li>* little or no community control</li> <li>* only accountable to funder</li> <li>* situation for teaching staff is very unclear</li> </ul>	<ul style="list-style-type: none"> <li>* SNC has little or no experience with managing an education system</li> <li>* community has stated that they do not want SNC to manage education</li> </ul>	<ul style="list-style-type: none"> <li>* some people at Six Nations have doubts that SN educators are capable of running an education system</li> <li>* some concern about the funding levels and actual costs of education</li> </ul>	<ul style="list-style-type: none"> <li>* little or no change or disruption to present education system which may be sought by some in the community</li> <li>* not enough control for community who is requesting program enhancement and accountability</li> </ul>	<ul style="list-style-type: none"> <li>* community wants change, enhancement of program and accountability</li> </ul>
Recommendation of the Interim Six Nations Education Authority Steering Committee	<ul style="list-style-type: none"> <li>*</li> </ul>				

Revised October 7, 2002



### Six Nations Education Commission Education Costs for August 2006

<b>Elementary</b>		
Salary Costs (includes P&VP., teachers, T.A.'s Counsellors, School Sec'ry)		\$7,098,077
Pension & Benefits @ 20%		1,419,154
Instructional - general		250,000
Special Education <sup>1</sup> (not including salaries)( includes testing)		200,000
Other personnel costs (prep time, parental leave, education leave)		300,000
Supply Teachers		300,000
Native Language		50,000
Computer Replacement & Repair		30,000
Professional Development		100,000
Summer School		50,000
School Office		50,000
EQAO (Grade 3 & 6 Testing)		10,000.
Transportation (INAC to cover actuals)		
Total Elementary		<b><u>\$9,857,231.</u></b>
<b>Governance</b>		
Including board member honoraria, professional development and meeting costs		\$20,000
Total Governance		<b><u>\$20,000.</u></b>
<b>Head Office</b>		
Salaries including pensions and benefits		\$715,000
Office Rental		30,000
Professional Development		15,000
Travel		20,000
Advertising & Communication		15,000
Office Costs		25,000
Total Head Office		<b><u>\$820,000</u></b>
<b>Sub Total Elementary and System</b>		<b>\$10,697,231.</b>
<b>Operations and Maintenance</b>		
Cost to cover deficit		\$1,300,000
O&M Annual Costs (adjusted to '05-'06)		1,860,000
Total O&M ('05-'06)		<b><u>\$2,095,000</u></b>
<b>Social Counsellor Program</b>		
Program Costs		5,000
Total Social Counsellor Program		<b><u>\$5,000</u></b>
<b>Elementary &amp; Secondary Transportation</b>		<b><u>\$1,900,000</u></b>
<b>Secondary</b>		
Grand Erie (Public)		\$4,601,785
Brant, Haldimand, Norfolk (Catholic)		\$441,780
Total Secondary		<b><u>\$5,043,565</u></b>
<b>Grand Total Elementary and Secondary</b>		<b><u>\$19,740,796.</u></b>

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June 14, 2005

<sup>1</sup>INAC will cover costs for students registered with GEDSB

**Indian and Northern Affairs Canada**  
**Offer to Six Nations for Elementary and Secondary Education**

**Elementary**

Line Item	Amount	Comments
Band Operated Funding Formula 1172 FTE @ \$5,179/FTE + 11% Pension & Benefits	\$6,069,788. \$6,737,465.	* this number of students <i>protected by INAC until June 2007</i> * FTE = Full Time Equivalent - Kindergarten is half-time * covers salaries and other major costs for program delivery including supply teachers and professional development
BOFF Salary Enhancement	\$352,000.	* this amount is provided to bring INAC education staff salaries closer to provincial salary levels - <i>protected by INAC until June 2007</i>
Systems Grant	\$506,000.	* this line covers the central office costs * this amount will be <i>protected by INAC until June 2007</i>
Special Education	\$1,008,600.	* this amount will be <i>protected by INAC until June 2007</i> * covers classroom teachers, instructional costs * also covers all assessments and contracted student support
Band Support Funding	\$70,000.	* this amount is generally sent to First Nations Council offices that have taken education * generated by formula, amount could change
Program Improvement	\$500,000.	* <i>protected by INAC until June 2007</i> - agreed in principle * amount to be determined
O&M	\$ 881,398.	
Transportation	\$1,834,600.	
		<i>For Elementary Education only</i>
		<b>\$11,863,063.</b>

**Secondary**

Line Item	Amount	Comments
Tuition Agreement with Grand Erie 495 FTE @ \$7,363/FTE	\$3,644,685.	* this is an estimate - actuals are based on nominal roll counts in October and March - INAC will match
Tuition Agreement Special Education 16 Education Assistants	\$640,000.	* this amount is provided by INAC to support Six Nations students needing academic assistance - INAC will match
Tuition Agreement Ancillary - GELA NATIONS	\$101,000.	* this amount supports the Grand Erie Learning Alternatives at Six Nations for students up to 16 years old who are experiencing problems attending regular school programs - INAC will match
Tuition Agreement Building Fund @ \$282/FTE	\$139,000.	* this amount is sent to Grand Erie * calculated into the tuition fee by Grand Erie DSB
Paid to Grand Erie DSB	\$4,601,785.	
Student Financial Assistance	\$69,800.	* this amount is sent to SNC - administered by SNEC
Special Allowance	\$86,900.	* this amount is sent to SNC - administered by SNEC
Administered by SNEC	\$156,700.	
Tuition fees to BHN Catholic DSB	\$441,780.	* based on Grand Erie tuition rate for 60 students
		<i>For Secondary only</i>
		<b>\$5,356,965</b>
		<b>Total Elementary &amp; Secondary Offer by INAC</b>
		<b>\$17,220,028</b>



Six Nations Path to Educational Freedom

*Summary Report for Phase Two-  
Contemporary Studies/Projects*

Six Nations Path to Educational Freedom

*Summary notes on Contemporary Projects and Studies*

The following pages include summary notes on

- Review of Federal Schools in Ontario (Six Nations)- Feb. 2015  
Evaluation, Performance Measurement, and Review Branch Audit and Evaluation Sector
- Education Summit (Six Nations) 2012
- Truth and Reconciliation Recommendations (2015)
- First Nations Education Law
- AANDC Funding formulas/regimes
- Provincial Public School Board funding formulas

A concern is the language that will be used- Transfer? Local control? Manage? Re-establish?  
Devolution? School Board? School Authority? Recover?

**Review of Federal Schools in Ontario (Six Nations)** February 2015- Evaluation, Performance Measurement, and Review Branch Audit and Evaluation Sector

The goal of this review was to assess the schools' performance and operation. The information can then be used by the six schools to inform their decision making.

The six schools (JCH- 139 students, Jam- 206, ECG- 184, OMS- 308, ILT-249 & Bay of Quinte-330) receive approximately \$11 million dollars in funding per year from AANDC. Approximately 1100 students. (Observation- about \$10 000 per student).

*AANDC objective is to provide on-reserve students with education services comparable to provincial counterparts, enabling students to achieve levels of education comparable to other Canadians. Education is based on the statutes, regulations and policies of Ontario.*

Chiefs and Councils of both First Nations appointed representatives to a Joint Working Group to support the design, data collection, review of the report and to liaison with respective Councils.

Federal Schools are managed by Ontario Region's Education Department and money is not negotiated, but funds flow directly to the region as annual allocations.

Donna Cona Inc. conducted the review. Last review was 2000 by BomCor Associates.

**Findings:** 1. AANDC, Ontario Region is ***not well suited*** to operate federal schools on reserve.

2. Provincial standards and expectations are evident in all schools.

There are 15 other findings sorted under performance and efficiency/economy. They will be divided into Pros and Cons and Neutral.

Pros- 1. There is a solid base of qualified teachers- low turnover.

2. Use of provincially derived assessment tools, data used to identify student gaps, early identification, and to inform school wide improvement plans.

3. Special Education identification process improved, despite limited resources.

4. Schools try hard to provide extracurricular activities.

5. The current Elected Council is willing to discuss options for local control through the transfer of responsibility of the federal schools to an entity, not yet solidified, on reserve.

6. There are three viable options presented for local control- i) develop an autonomous education board/authority with educators to manage education ii) create a board of education that reports to GEDSB. GEDSB would oversee staffing, policies, program, professional development iii) ask the Confederacy to consider taking over education in collaboration with Six Nations Elected Council.

Cons- 1. EQAO (provincial assessment tool of reading, writing, math) is used but *may* not be appropriate.

2. Some but not all teachers use student centered pedagogy.

3. Limited professional development opportunities.

4. Quality of teacher instruction generally not viewed favourably by most focus groups.

5. Fluctuations in expenditures over the years; some require further exploration.

6. Budget cuts to staffing for the first time in 2014. Financial data not provided.

7. Bullying and lateral violence not addressed to the satisfaction of some teachers, students, parents.

8. No clarity in the ownership of the school infrastructure.

Neutral- 1. Role of language and culture is critical to SN education.

The review was conducted on behalf of AANDC through a tri-partite agreement between Evaluation, Performance, Measurement, and Review Branch of AANDC and Chiefs and Councils of Tyendinaga and Six Nations. (p. 12- This report will cover findings related to the operation of **Six Nations** schools)

The question asked was “What is the state of education of federally operated schools in Ontario?” The review examines

1. school operations
2. assesses provincial assessments data
3. reports on program expenditures
4. synthesizes opinions from many stakeholders.

Background: Some changes at the Ontario Region level have made an impact on the schools, such as no request for additional resources; loss of staff; re-examine costs of education based on declining enrolment; hiring of casual supply teachers very costly; Director of Education has no prior experience in the field and there is no Superintendent to assist. (Since this review, there is now a Manager of Federal Schools and a Special Advisor to the Director of Education., as well as the Director of Education.)

Treasury Board compensates teachers’ wages and the Public Service Alliance is the bargaining agent.

Maintenance staff are employees of Six Nations Public Works, and this department is responsible for the upkeep/repairs to the schools.

PAC- Principals Advisory Committee.

There are no second or third level systems to support the school operations, which include legislations, statutes, supporting documents, professional development resources, and policies/protocols.

In addition to the Director of Education at Ontario Region in Toronto, school expenditures, management and supports are handled by *Corporate Services, IT Support Services, Head Quarters Human Resources Hub, and Funding Services*.

There is a breakdown of AANDC spending for the single period ending Sept. 20, 2013 in section 1.2.4 of the report. The spending was \$11 315 189; \$10 564 584 of this was for salaries, however it is not clear when this budget began. Was it for 2012-2013?

There was no financial data provided for 2014/15 school year.

Review Issues section 2.2: management of the schools; human resources; provincial standards/expectations; student assessments; supports available; transportation; views on elementary schools by stakeholders.

Also considered educational outcomes, expenditures and cost-effectiveness, bullying, ownership of infrastructure.

40 participants- 3 AANDC HQ; 7 AANDC Regional; 28 educators; 2 external stakeholders

Also had focus groups – Chief and Council-6, grade 8 students-28, former GEDSB students-15, GEDSB staff working with Six Nations students-8, parents-5, external stakeholders-7, Heath Services-6, Social Services-11. Total of 86 individuals through focus groups.

Limitation of research- “Documents and reports were limited. Most reports related to federal schools in Ontario were archived by the region. All documents outside of financial reports and EQAO results were provided through Six Nations Council” (2.3.2)

This review is to find the current state of education. The last formal evaluation is the BomCor “Comprehensive Elementary School Evaluation” of 2000.

Expenditure Analysis: “The most significant issue regarding expenditure analysis was inconsistencies in the way financial data are recorded over time. The study was unable to account for all funding sources for the operation of the schools which include operations and

maintenance funds received through the Capital Facilities and Maintenance Program, thus potentially underestimating the resources allocated to operate the schools”. (section 2.3.2)

*Inconsistencies and gaps in the data received were evident....*

\*All key informants and focus group participants said they expect AANDC to continue to fund education, frequently stating it is their “**fiduciary responsibility**”. (section 3.1)

Points out there is a difference between funding and managing.

Regional office and staff do not have the background or the mandate to act as any type of educational authority. (section 4.1)

By default, federally operated schools on reserve are directed to follow the policies and guidelines implemented off reserve in provincially operated schools- provincial standards, curriculum, assessments, policies, program changes and provincial testing. Teachers do not get comparable support, professional development or in-service that provincial teachers do.

No corporate memory left at Ontario Region office for any aspects of the federal schools – new staff at HQ are not educators. No superintendent.

Principals not given the opportunity to provide input into their own responsibilities, which have changed over the last few years. *The hiring process has changed and the supply teacher budget continues to increase and escalate.*

Budgets for schools vary and principals do not know budgets until well into the school year. Budgets are declining. Some bills unpaid e.g. phone.

First Nations Student Success Program (FNSSP) - Money accessed but not used as intended by proposal, at Six Nations education site.

Educators report low satisfaction with their employer, AANDC, but the security of federal pay rates, benefits and the Collective Agreement are main reasons for low staff turn-over. (4.1.2)

All principals, teachers and TAs are fully qualified. There are 73 teachers and 33 TAs. In the province, the aim is a 13 to 1 pupil: teacher ratio. Six Nations has a lower ratio depending on the school, anywhere from 9:1 to 12.5:1.

The Report of the National Panel on First Nation Elementary and Secondary Education for Students on Reserve (2012): *We need Canada and First Nations to pledge that they will work together to improve the lives of First Nation students through the development of an effective education system....properly funded, respectful of First Nations language, culture and identity.*

4.1.4- Assessment of Students- information not particularly relevant to this summary

Special Education- The process has improved but no improvement to the budgets to support students with special needs, such as access to formal testing through psychometrists and/or psychologists.

4.1.6- A lack of vision and funding for professional development.

4.1.8- Transportation- Six Nations does not oversee the busing agreements for these schools.

### **External Stakeholders Views of the Schools**

4.1.9- *Finding: The quality of teacher instruction was generally not viewed favourably by most focus group participants.*

\* Students coming from federally operated schools are behind academically and non-Native teachers are not in the position to teach Haudenosaunee culture.

85% of staff are First Nations.

Chief and Council felt teachers are preoccupied with their salaries and pensions, which overshadows student outcomes.

Health Services- Feel council does not have the capacity to run a school system.

Parents- Why is the system failing students?

Grand Erie District School Board- "...indicated that AANDC has detrimentally impacted students at Six Nations". Spoke negatively about AANDC with regard to Six Nations school system.

4.2.2 EQAO discussion- Students still lagging, but there are improvements shown.

5.1 **Efficiency and Economy**- Finding: An Expenditures analysis over the course of six fiscal years reveals fluctuations in Six Nations federal schools budget figures. Some expenditures require further exploration.

The study states it is for Six Nations, but then actually includes Tyendinaga's school as well.

"...there was a lack of data and incomplete account figures related to the 2012/2013 reporting period..."

"The Director of Education indicated that he too also had difficulty interpreting the financial data..."

As far as salaries, this study indicates "The total for all salaries remained relatively flat at an average 4.2% annual increase per year".

5.1.2- Budget cuts to federal schools have been felt for the first time in 2014/2015.

The Region is in a salary reduction mode and some financial decisions to reduce staffing levels in the federal schools were made. (5.1.2)

## 5.2 Other Issues

Funding was the main issue in the past two failed attempts to establish local control.

In this study, not all wanted to see the community control education and in particular did not want to see Chief and Council take direct control. Chief and Council indicated that they do not intend to take direct control over education. (5.2.2)

Options in order of preference:

1. Develop an autonomous education board/authority populated with educators to oversee, provide staffing to, devise policies, provide culturally relevant curriculum and professional development to the elementary schools on reserve.
2. Create a board of education that reports directly to GEDSB, which would become the oversight body to provide staffing, policies, program direction and professional development to staff.
3. Approach the Confederacy to consider taking over education in collaboration with Elected Council.

**5.2.4 *Ownership of the Infrastructure:*** *There is no clarity related to the ownership of the infrastructure at this current time.* However, Six Nations lists the schools as part of their infrastructure annual in their inventory lists.

**Recommendations-** Since this was not a comprehensive evaluation, recommendations were not requested nor expected. It is suggested that if AANDC wants to be successful with discussions related to local control, there must be next steps recommended for the two parties to move forward.

**Truth and Reconciliation Commission of Canada: Calls to Action 2015**

We call upon the Government of Canada to:

7. develop with Aboriginal groups a joint strategy to eliminate educational gaps between Aboriginal and non-Aboriginal Canadians
8. eliminate the discrepancy in federal education funding for First Nations students on-reserve vs. First Nations students off-reserve
9. prepare and publish an annual report comparing the levels of funding for #8 above
10. draft new Aboriginal education legislation with the full participation and informed consent of Aboriginal peoples, which would include
  - i) sufficient funding to close identified gaps
  - ii) improving education attainment levels and success rates
  - iii) develop culturally appropriate curricula
  - iv) protect right to Aboriginal languages, including teaching languages
  - v) enable parental and community responsibility, control, and accountability
  - vi) enable parents to fully participate in education of their children
  - vii) respect and honour treaty relationships
11. provide adequate funding to address the backlog of postsecondary applications
12. develop early childhood education programs for Aboriginal families

Also Language recommendations that are indirectly related to education and program funding.

p. 7 - Education for Reconciliation- This deals mainly with developing curriculum k-12 and post-secondary to educate Canada about the residential schools, treaties, and Aboriginal history. Funding to be provided to Aboriginal schools to utilize Indigenous knowledge and teaching methods.

**Royal Proclamation and Covenant of Reconciliation p. 4** This speaks to the affirmation of the nation-to-nation relationship between Aboriginal peoples and the Crown from the **Royal Proclamation of 1763 and Treaty of Niagara of 1764**, previously discussed in Phase One of this project.



### **Six Nations Education Summit** June 2012

More than 50 people attended- educators (current and retired), parents, grandparents, elected Councillors, other community people.

Looking for feedback to answer the question *“What are your ideas for a quality education system for Six Nations?”*

Top categories that were commented on:

#### **Education program**

Internet, school transitions, phys ed, music, attendance data- need for counsellor, quality of textbooks, human resources, qualified teachers, class trips, school cleansing, early identification, Science, Math, Language & Culture gaps, support what is there

#### **Language and culture**

Core Native language, outdoor education, Good Mind, reflect who we are as Haudenosaunee, language and culture the foundation, every staff needs an introductory level of language, traditional science, wampum belts- Dish With One Spoon, Two Row, staff needs the knowledge

#### **Funding**

Model from other reserves, do not take over- risk of decreased funding after 5 years, own source revenue, Constitution- fiduciary obligation of Feds for education at the fullest level, need long term, guaranteed and sufficient system funding at least on par with province

#### **Student support**

Need to feel confident through transition to off-reserve, abolish current system, truancy officer, teacher training-ASIST, what are measures of success? System-wide analysis of current education data and facilities' needs, consider other education models, Haudenosaunee values

#### **Parents Role**

Child-centered schools, parent engagement- photocopying, snacks, fundraising, sign contract to work with the school, collaboration with community programs to involve parents, more intervention between parents and teachers, process involving parents for suspension re-entry, address attendance rates

#### **Teacher support**

Address shortcomings within teacher profession, hiring to eliminate favouritism, qualifications, culturally competent, stress and self-care plans, school staff valued, respected, truant officer,

adapted teaching models, mentality of community needs to change “we don’t have...”, secondary and tertiary supports, human resources as support,

### **School evaluation**

2001 data is too old. Have an up-to-date evaluation

### **Education Board/Governance**

Board members hired through fair and impartial system, Advisory of western and traditional lifelong educators, school superintendent/leadership, establish a committee with mandate to take over, research other reserves- what works, question funding, have education people to maneuver the political system, must establish partnership with existing community agencies

### **Council Role**

Must do the research, know your direction, be prepared to negotiate, what are the options? Operate at arm’s length, continue the established treaty relationship, have a legal, political strategy to organize the bargaining- maybe human rights re: underfunding, all legal avenues to get government to take us seriously, Council not to take over- risky for funding

### **Recommendations**

1. Begin negotiations to ensure long-term funding guaranteed, to meet the real needs of Six Nations, and not less than provincial funding. Elected council to set up an arms-length community entity to work with council regarding negotiations.

\* Take AANDC to Human Rights Court re: underfunding issue.

2. Six Nations Council create an entity, fully funded by AANDC, to carry out a School Evaluation.

3. If an on-going funding agreement is reached for a School Board, then other ideas and recommendations from the summit be forwarded to the Board.

Summary comments appear to favour local control, but comments frequently suggest that more information is needed, not to rush into it, and Band Council role should not be direct control, but operate at arm’s length.

Also mention of a treaty-type agreement and possible keeping the Public Service Alliance Canada union for the teachers as per Akwesasne.

### **Council of Ministers of Education, Canada July 2015**

Provincial and Territorial Ministers of Education were in Yellowknife, Northwest Territories, for the first-ever pan-Canadian Aboriginal Educators' Symposium as well as the annual meeting of their intergovernmental organization, the Council of Ministers of Education, Canada (CMEC).

Ministers reaffirmed their commitment to eliminating the gap in education achievement between Aboriginal and non-Aboriginal students. Building strong linkages between CMEC and the Aboriginal Affairs Working Group is part of addressing that commitment.

Ministers also encouraged the **federal government** to work collaboratively with Aboriginal communities and organizations to address the financial and governance issues faced by on-reserve schools, for which it has fiduciary responsibility.

### **Study of First Nations Primary and Secondary Education**

Written by Claudine VanEvery-Albert, and delivered to the Standing Senate Committee on Aboriginal Education, Parliament Hill, October 2010.

This is a summary of schools on Six Nations, types of classes, staffing, secondary services and tuition agreement, and private schools.

Key Challenges: **Lack of a clear funding formula** that meets the needs of the students, schools and First Nations Community. Currently, INAC takes the amount allocated for education and divides it among the First Nations with little consideration to the needs of the community.

A funding formula from 1988 is presently used, and has not changed, but has been capped at **2%**. Statistics Canada reports that between 1998-2004, the per-student education spending has increased by an average of **24%**.

**Educational Leadership (elementary)** - The organizational charts for education in Ontario show the large number of support personnel it takes to make quality education happen in the province. Under INAC, education is only part of the responsibilities and provides no real school program support; sees itself as a **funder** for education. But our system is expected to operate and meet expectations at the same level as the province.

"What is needed here is a real education system that provides leadership in terms of support as is provided for provincial schools and school boards."

**Education by Application-** INAC does not emanate new programs, policies and other initiatives as the Ministry of Education does. Some First Nations receive funding for new curriculum, some do not. Some receive more than others. Suggest INAC develop a stronger working relationship with Ministry of Education with the goal of sharing educational developments.

Also talks of secondary tuition agreements, special education budgets, and curriculum development.

**Tripartite Education Agreements-** Discusses Covenant Chain, Two Row, 1701 NanFan Treaty, 1784 Haldimand Treaty, War of 1812, all of which symbolize sovereignty, friendship and respect. This report also talks of land rights issues as presented in the Global Solution document which must be fully resolved so we can move forward to develop our own education system.

Policies needed for: funding formula; special education; professional development; curriculum/program development; training for boards; leadership for administration; counselling; support new programs; pay grids; capital initiatives; O&M; revitalization of language; growth of school libraries; pension and benefits; in-school sports/recreation; music, dance, art, drama; large group educational testing; INAC must provide funding to meet real needs of First Nations.

**Mentions COO website and *The New Agenda- A Manifesto for First Nations Education in Ontario***

### **First Nation Education Law**

Template for the Formation of Education Law for First Nation Governments.

This has sample of content that could be included in a First nation Education Law. For information purposes only.

According to this document, First Nation Government is comprised of Chief and Council, and exercises jurisdiction over education through the First Nation Education Law.

First Nations Constitution Act refers to sovereignty, jurisdiction, territory, inherent and treaty rights, cultural world view, language and the exercise of jurisdiction of all areas named in the ACT.

Protocol for law making.

First Nation School Authority- responsible for all education programs, services, facilities, transportation and all matters related to the provision of high quality education. Includes a very long list of jurisdiction.

Education Law does not diminish the Honour of the Crown, the trust responsibility of the government of Canada or its **duty** to provide funds for the education of the First Nation members.

Transition- allows a period of transition of two years before coming into full implementation

First Nation Education Law prevails over federal, provincial and territorial legislation.

Provides 4 pages of definitions.

Continues to describe roles, instruction, attendance, standards, second level services, hiring, school calendar, transportation, capital construction, O&M, budgets, reporting,

Indicates there is a First Nation Consultation Law and a Sample Consultation Agreement, but is not included in the report.

### **Indigenous Affairs and Northern Development (AANDC, INAC, DIAND)**

The following pages of information are found on the AANDC website and could aid in the development of a transition plan for the recovery of education at Six Nations.

*It is suggested that this information be continually updated from the web site as policies and guidelines frequently change.*

1. Executive Summary of Summative Evaluation of Elementary Education Programs on Reserve (June 2012)
2. Federal Funding Levels for First Nations K-12 Education
3. Elementary and Secondary Education Program- National Program Guidelines 2015-2016
4. Transfer Payments
5. General Assessment
6. General Assessment (GA) Workbook- 2014
7. National Funding Agreement Models
8. Funding Approaches- FAQs
9. British Columbia Tripartite Education Framework Agreement for First Nation Elementary/Secondary Education- FAQs

## **1. Executive Summary of Summative Evaluation of Elementary/Secondary Education Programs on Reserve (June 2012) - April 2013**

This summative evaluation of the Elementary/Secondary Education (ESE) Program was conducted in time for consideration of policy authority renewal in 2012-13. It follows a formative evaluation of the ESE Program in 2010, which provided a preliminary examination of the state of information on First Nations education at Aboriginal Affairs and Northern Development Canada (AANDC).

This evaluation was conducted concurrently with the summative Evaluation of Post-Secondary Education programming in order to obtain a holistic understanding of AANDC's suite of education programming and its impact on First Nation and Inuit communities.

The primary objective of elementary/secondary education programming is to provide eligible students living on reserve with education programs comparable to those that are required in provincial schools by the statutes, regulations or policies of the province in which the reserve is located.

AANDC's elementary/secondary education programming is primarily funded through seven authorities: *Grants to participating First Nations and First Nations Education Authority pursuant to the First Nations Jurisdiction over Education in British Columbia Act; Grants to Indian and Inuit to provide elementary and secondary educational support services; Grants to Inuit to support their cultural advancement; Payments to support Indian, Inuit and Innu for the purpose of supplying public services in education (including Cultural Education Centres; Indians Living On Reserve and Inuit; Registered Indian and Inuit Students; Special Education Program; and Youth Employment Strategy); Grants for Mi'kmaq Education in Nova Scotia; Contributions under the First Nations SchoolNet services to Indians living on reserve and Inuit; and Contributions to First Nation and Inuit Governments and Organizations for Initiatives under the Youth Employment Strategy Skills Link program and Summer Work Experience Program.*

The evaluation examined the following components of ESE programming: instructional services for Band Operated Schools, Federal Schools and Provincial Schools; Elementary and Secondary Student Support Services; New Paths for Education; Teacher Recruitment and Retention; Parental and Community Engagement; First Nation Student Success Program; Cultural Education Centres; Special Education; Education Partnerships Program; and First Nations SchoolNet.

In line with Treasury Board Secretariat requirements, the evaluation looked at issues of relevance (continued need, alignment with government priorities, alignment with federal roles and responsibilities), performance (effectiveness) as well as efficiency and economy.

The evaluation's findings and conclusions are based on the analysis and triangulation of seven lines of evidence: case studies, expenditures analysis, student data analysis, document and file review, key informant interviews, literature review and surveys (see also [Appendix A](#), Evaluation Matrix).

Four contractors were contracted to handle specific lines of evidence for which they have expertise. Donna Cona Inc. undertook key informant interviews and case studies; Harris/Decima

conducted surveys; KPMG provided the expenditures analysis; and the University of Ottawa carried out a meta-analysis of available literature. The evaluation team worked closely with them to determine the most appropriate and rigorous approaches to the methodologies, and conducted most of the final analysis in-house. Additionally, a secondary literature review was completed to assess broader issues of governance and the coverage of education programs.

Stemming from this review, this evaluation found the following:

### ***Relevance***

1. There is a need for continued investment in the Authorities for Elementary/Secondary Education stemming from projected population growth and from the need for significant improvement in student outcomes.
2. Education authority activities are generally aligned with Government of Canada priorities; however, recent major reforms are reflective of the need to better align activities and better ensure improvements in student success.
3. The priorities as stated by First Nation Education Authorities and those of AANDC are aligned insofar as the need to address marked gaps in educational opportunities and success. However, First Nation participants emphasise key priorities in the areas of cultural and language retention as being critical to success, and emphasise the need to recognise key differences in learning needs and the current state of education gaps, rather than simple notions of comparability.
4. The role of the Government of Canada in ESE programming is generally appropriate; however, policy changes with respect to service delivery and local operational control may have implications on this role in the future.

### ***Performance***

5. The intended outcome of education opportunities and results that are comparable to the Canadian population is not being achieved.
6. Continued work is needed to better facilitate constructive engagement and collaborative networks between First Nation education authorities, and where appropriate, with provincial governments or other organisations, and there is evidence that AANDC programming is improving in this regard.
7. Student success is associated with parental engagement, the level of education in the community and the strength of the local economy. There are deeper issues related to the historical trauma of residential schools that may be interrelated with these factors.
8. Community governance, the quality of teacher instruction and the quality of school curriculum were suggested as key factors affecting student success.
9. Expenditures to First Nations and tribal councils for the operation of schools do not appear to account for actual cost variability applicable to the needs and circumstances of each community or school, and particularly the cost realities associated with isolation and small population. There is a need for a more strategic understanding of resource needs and allocation methods.
10. Jurisdictional issues, implications for the provision of second- and higher-level services, and early childhood and adult education are considerations of significant importance in future policy development.
11. Many First Nation schools and communities are not adequately resourced to provide proper assessments and services to meet the needs of First Nation students with special needs.

### ***Efficiency and Economy***

12. The current approach to programming may not be the most efficient and economic means of achieving the intended objectives of ESE programming.

#### **Based upon these findings, it is recommended that AANDC:**

1. Develop a strategic and transparent framework for the investment of new funds that are explicitly allocated to facilitate improvements in student success in the short-term;
2. Undertake further research into funding allocation methodologies that are equitable to provincial approaches, while at the same time accounting for cost realities on reserve;
3. Ensure that future policy and program exercises develop clearly defined roles, responsibilities, and accountabilities for Elementary and Secondary Education;
4. Explore and pursue options for the comprehensive development of second and higher-level services where possible and appropriate to reduce administrative burden and overhead costs, while supporting First Nations in developing long-term capacity for service management;
5. Work with First Nations to develop strategies to strengthen culture and language retention as it relates to better student outcomes;
6. Examine the implications of integrating support for early childhood education in AANDC's education portfolio;
7. Examine the implications of integrating support for adult education in AANDC's education portfolio; and
8. Develop a strategy to work with First Nations in building the capacity to strengthen the provision of special needs assessments and services.

## **6. Conclusions and Recommendations**

### **6.1 Conclusions**

Results over the past two decades have not been encouraging with respect to student success, and all information included in this evaluation strongly suggests a need for significant revision to AANDC's approach to ESE programming. While there is no doubt that the Government has an integral role to play in ensuring ESE programming is functional and is providing First Nation students with learning opportunities and environments equitable to their counterparts off reserve, there is also a clear need to better ensure programming and delivery are suited to First Nation learner needs and optimal school operations on reserve.

The general role of the Government of Canada in ESE programming is generally appropriate; however, policy changes with respect to service delivery and local operational control may have implications on this role in the future. As demonstrated in the evidence presented above, there is a strong need for the Department to consider significant revisions to its approach to ESE program delivery to address key deficiencies in performance. To that end, this report has observed the following:



### ***Relevance***

1. There is a need for continued investment in the Authorities for Elementary/Secondary Education stemming from projected population growth and from the need for significant improvement in student outcomes.
2. Education authority activities are generally aligned with Government of Canada priorities; however, recent major reforms are reflective of the need to better align activities and better ensure improvements in student success.
3. The priorities as stated by First Nation Education Authorities and those of AANDC are aligned insofar as the need to address marked gaps in educational opportunities and success. However, First Nation participants emphasise key priorities in the areas of cultural and language retention as being critical to success, and emphasise the need to recognise key differences in learning needs and the current state of education gaps, rather than simple notions of comparability.
4. The role of the Government of Canada in ESE programming is generally appropriate; however, policy changes with respect to service delivery and local operational control may have implications on this role in the future.

### ***Performance***

5. The intended outcome of education opportunities and results that are comparable to the Canadian population is not being achieved.
6. Continued work is needed to better facilitate constructive engagement and collaborative networks between First Nation education authorities, and where appropriate, with provincial governments or other organisations, and there is evidence that AANDC programming is improving in this regard.
7. Student success is associated with parental engagement, the level of education in the community and the strength of the local economy. There are deeper issues related to the historical trauma of residential schools that may be interrelated with these factors.
8. Community governance, the quality of teacher instruction and the quality of school curriculum were suggested as key factors affecting student success.
9. Expenditures to First Nations and tribal councils for the operation of schools do not appear to account for actual cost variability applicable to the needs and circumstances of each community or school, and particularly the cost realities associated with isolation and small population. There is a need for a more strategic understanding of resource needs and allocation methods.
10. Jurisdictional issues, implications for the provision of second- and higher-level services, and early childhood and adult education are considerations of significant importance in future policy development.
11. Many First Nation schools and communities are not adequately resourced to provide proper assessments and services to meet the needs of First Nation students with special needs.

### ***Efficiency and Economy***

12. The current approach to programming may not be the most efficient and economic means of achieving the intended objectives of ESE programming.

## 6.2 Recommendations

### **It is recommended that AANDC:**

1. Develop a strategic and transparent framework for the investment of new funds that are explicitly allocated to facilitate improvements in student success in the short-term;
2. Undertake further research into funding allocation methodologies that are equitable to provincial approaches, while at the same time accounting for cost realities on reserve;
3. Ensure that future policy and program exercises develop clearly defined roles, responsibilities, and accountabilities for Elementary and Secondary Education;
4. Explore and pursue options for the comprehensive development of second and higher-level services where possible and appropriate to reduce administrative burden and overhead costs, while supporting First Nations in developing long-term capacity for service management;
5. Work with First Nations to develop strategies to strengthen culture and language retention as it relates to better student outcomes;
6. Examine the implications of integrating support for early childhood education in AANDC's education portfolio;
7. Examine the implications of integrating support for adult education in AANDC's education portfolio; and
8. Develop a strategy to work with First Nations in building the capacity to strengthen the provision of special needs assessments and services.

## 2. Federal Funding Levels for First Nations K-12 Education (most recent published on website)

### *(Updated Version Using 2012-2013 Data)*

In 2012-2013, the Government of Canada provided \$1.62 billion to support First Nations elementary and secondary education. An additional, approximately \$226 million was provided to First Nations for construction and maintenance of education facilities on reserve.

These investments supported approximately 113,000 full-time equivalent (FTE) First Nation students, ordinarily resident on reserve, in their elementary or secondary education. This number does not include some self-governing First Nations. Approximately 61 percent of these students (68,798 FTEs) attended band-operated schools, and 36 percent (40,821 FTEs) attended provincially-operated schools. The remaining three per cent of students (3,433 FTEs) attended private schools or one of the seven federally-operated schools.

On a per capita basis, AANDC provided approximately \$14,342 per full-time equivalent student in 2012-2013 for elementary and secondary education expenditures. Not included in this calculation is an investment in 2012-2013 of approximately \$226 million to maintain, improve, and construct education facilities. There is considerable variation in the level of per-student funding across the country, and any funding comparisons must consider the factors that influence per-student funding levels in order to be meaningful (see Explanatory Notes for more information).

- **Explanatory Notes:**

**Financial data:** All financial data are sourced from AANDC's Integrated Financial System (IFS) and reflect total expenditures transferred by AANDC to First Nations and other partners for the purposes of supporting elementary and secondary education for First Nation students ordinarily resident on reserve. Education expenditure figures include funding provided under the James Bay and Northern Quebec Agreement and Northeastern Quebec Agreement and the Mi'kmaw Kina'matnewey Education Agreement. Funding for these agreements covers more than K-12 education, which is not identified separately.

**Enrolment:** Student numbers are derived from AANDC Nominal Roll data for the 2012-2013 school year, with some exceptions. The Nominal Roll, a registry of the number of students residing on reserve who attend school on and off reserve, is collected annually by First Nations and sent to AANDC regional offices. Figures for British Columbia include 40 FTEs (and associated expenditures) residing and attending school in Northern BC but who are funded through AANDC regional office in the Yukon. Some First Nations under self-government agreements are not required to supply their nominal roll data. The FTE count for students under the Mi'kmaw Kina'matnewey Education Agreement in Nova Scotia is based on a 2011-12 report from Mi'kmaw Kina'matnewey. The FTE count for students under the James Bay and Northern Quebec Agreement and Northeastern Quebec Agreement is sourced from provincial 2012-13 reports because all students attend provincially operated schools. FTE counts for some students from First Nations under other self-government agreements are excluded from the totals above.

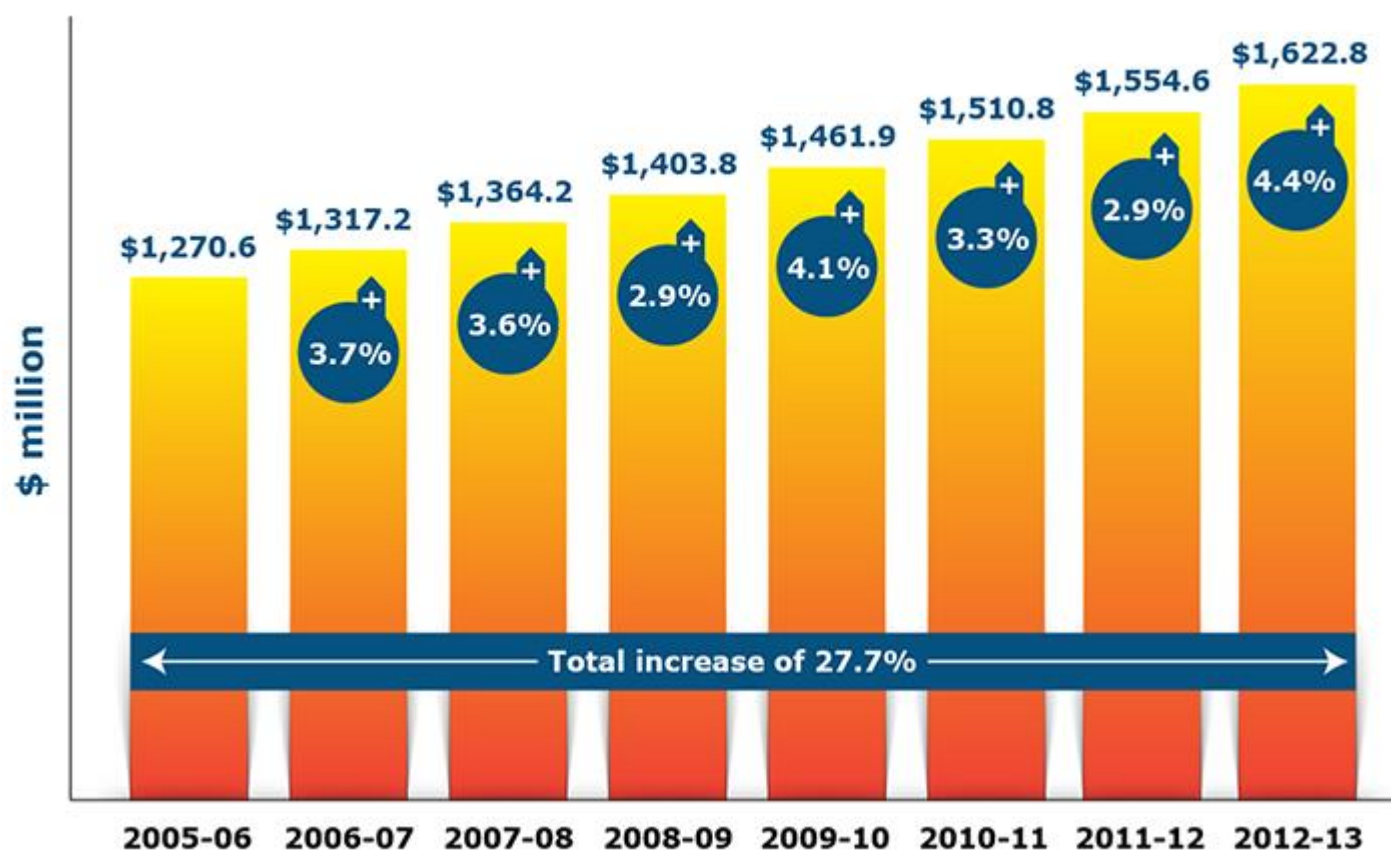
**Federal Schools:** There are seven federal schools in Canada. Of these, five (JC Hill Senior Elementary School, Emily C. General School, Oliver Smith-Kawenni Io Elementary School, IL

Thomas Odadrihonyani'ta' School, and Jamieson Elementary School) serve the Six Nations of the Grand River in Ontario, one (Quinte Mohawk School) serves the Tyendinaga Mohawk in Ontario and one (Legoff School) serves the Cold Lake First Nations in Alberta. Federal schools are located on reserve but are administered by the AANDC regional offices in Ontario and Alberta, at the request of the First Nations.

**Per Student Elementary/Secondary Expenditures:** Calculations of per-student elementary/secondary expenditures are included for illustrative purposes only. There is considerable variation in the level of per-student funding across the country, and any funding comparisons must consider the factors that influence per-student funding levels in order to be meaningful. There are, in some cases, variations in per-student funding depending on where the school is located. Funding comparisons need to take into account important differences between schools such as their geographic location and student population, which are important factors in determining how much funding a First Nation community receives from AANDC.

**Excluded Data:** The following education-related expenditures have been excluded from the per capita calculation for elementary/secondary expenditures:

- Funding for post-secondary education;
- Funding for cultural centres, [Indspire](#), and Youth Employment Strategy, as only a portion of these funds support elementary/secondary students;
- Major capital, minor capital, and operations and maintenance funding for education facilities;
- \$1.4 million in funding under the New Paths for Education Program to the Northwest Territories;
- Education-related expenses at AANDC's Headquarters; and
- Education-related funding provided under Tribal Council Programs, and funding related to provincial territorial organizations provided through Indian Government Services programming.

**AANDC Elementary/Secondary Education Expenditures (2005-2006 to 2012-2013)**

Description of the AANDC Elementary/Secondary Education Expenditures (2005-2006 to 2012-2013)

**Table 1**

**First Nation Elementary and Secondary Education:**

**Number of Full-Time Equivalent Students by Type of School (2012-2013)**

	BC	AB	SK	MB	ON	QC*	Atlantic*	National Total
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**\*NOTE:** Figures may not add up due to rounding.

\*Totals for Quebec and Atlantic include estimates of the number of students supported under the the James Bay and Northern Quebec Agreement and Northeastern Quebec Agreement, and the Mi'kmaw Kina'matnewey Education Agreement.

	BC	AB	SK	MB	ON	QC*	Atlantic*	National Total
<b>Full-Time Equivalent Students:</b>								
Band-operated schools	4,898	9,969	16,458	15,615	11,991	5,933	3,934	68,798
Provincial schools	7,830	6,787	3,366	5,438	6,096	9,118	2,187	40,821
Private schools	703	214	2	208	521	304	23	1,974
Federal schools	-	97	-	-	1,362	-	-	1,459
<b>Total of Full-Time Equivalent (FTE) students</b>	<b>13,430</b>	<b>17,067</b>	<b>19,826</b>	<b>21,261</b>	<b>19,970</b>	<b>15,355</b>	<b>6,144</b>	<b>113,053</b>

**Table 2**  
**First Nation Elementary and Secondary Education:**  
**Funding Breakdown per FTE Student (2012-2013)**

	BC	AB	SK	MB	ON	QC	Atlantic	National
<b>NOTE:</b> Figures may not add up due to rounding. Per-student elementary/secondary expenditures do not include education facilities expenditures. The total for all provinces excludes \$1.4 million of elementary/secondary funding to the Northwest Territories.								
<b>(A) Total Elementary/Secondary Expenditures</b> (in millions of dollars)	213.8	244.0	241.9	277.8	289.0	250.8	104.2	1,621.4

	BC	AB	SK	MB	ON	QC	Atlantic	National
<b>(B) Total of Full-Time Equivalent (FTE) students</b>	13,430	17,067	19,826	21,261	19,970	15,355	6,144	113,053
<b>Per Student Elementary/Secondary Expenditures (A ÷ B)</b>	<b>\$15,920</b>	<b>\$14,294</b>	<b>\$12,202</b>	<b>\$13,066</b>	<b>\$14,471</b>	<b>\$16,332</b>	<b>\$16,958</b>	<b>\$14,342</b>

Date modified:  
2015-05-22

## Elementary and Secondary Education Program - National Program Guidelines 2016-2017

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### **1. Introduction**

These guidelines provide direction for the delivery of the Elementary and Secondary Education Program for students ordinarily living on reserve.

### **2. Objective**

The objective of the Elementary and Secondary Education Program is to provide eligible students ordinarily living on reserve with elementary and secondary education programs comparable to those that are required in provincial schools by the statutes, regulations, or policies of the province in which the reserve is located.

### **3. Outcomes**

It is expected that eligible students will receive a comparable education to other Canadians within the same province of residence, and achieve similar educational outcomes to other Canadians with attendant socio-economic benefits to themselves, their communities and Canada.

### **4. Activities**

#### **4.1 Instructional Services**

The band council shall ensure that students ordinarily resident on reserve have access to elementary and secondary instructional services in a band-operated, federal, provincial, or a private/independent school recognized by the province as an elementary/secondary institution. Note that a student who is ordinarily resident on reserve lands that are leased is not eligible for funding unless that student is a registered Indian.

In the case of band-operated and federal schools, the band council shall ensure that programs comparable to provincially recognized programs of study are provided, and that only provincially certified teachers are employed. The band council shall also ensure that education standards allow students to transfer without penalty to an equivalent grade in another school within the school system of the province in which the school is located.



An independent evaluation of each band-operated and federal school is to be undertaken every five years. This evaluation must include, at a minimum, a review of the curriculum, an assessment of instructional quality and standards, and a review to determine if community and school objectives have been achieved. The band council will ensure that the school has a plan in place for the implementation of the recommendations of the school evaluation report. This plan will be updated each year.

Where access to instructional services is provided in a provincial school, or in a private/ independent school recognized by the province as an elementary or secondary institution, the council shall enter into a Local Education Agreement/Tuition Agreement with the applicable provincial school district or board operating the respective provincial school and agrees to maintain the Local Education Agreement/Tuition Agreement in good standing by making payments as required by each agreement.

#### **4.2 Student Support Services**

The council shall ensure that students ordinarily resident on reserve (with the exception of students who are ordinarily resident on reserve lands that are leased, and who are not registered Indians) have access to elementary and secondary student support services in a band-operated, federal, provincial, or a private/independent school recognized by the province as an elementary/secondary institution.

Eligible student support services are listed in [section 7.4](#) of this document.

#### **4.3 School Board Type Services**

The band council or organization designated by the band council shall ensure that school board type services, as per [section 7.5](#) of this document, are provided to band-operated schools and eligible students as required.

### **5. Eligible Recipients**

Funding for the Elementary and Secondary Education Program may be flowed directly to band councils, or to organizations designated by band councils (bands/settlements, tribal councils, education organizations, political/treaty organizations, public or private organizations engaged by or on behalf of Indian bands to provide education services, provincial ministries of education, provincial school boards/districts or private/independent education institutions).

In addition, INAC may also enter into agreements directly with provincial education authorities for the delivery of elementary/secondary education services, with private firms to administer program funds with or on behalf of the First Nation (i.e. co-managers, or third-party managers), or in some cases, INAC may deliver services directly (e.g. in the remaining federal schools).

### **6. Eligible Students**

#### **6.1 Nominal Roll**

The Nominal Roll is the registry of all eligible elementary and secondary students funded by INAC to attend a band-operated, federal, provincial, or private/independent school.

The recipient must demonstrate the eligibility of a student to be included on the Nominal Roll before being eligible for funding. To be eligible for the Nominal Roll, a student must be:

- enrolled in and attending a band-operated, federal, provincial, or a private/independent school (including E-learning institutions and Alternative/Outreach schools) recognized by the province in which the school is located as an elementary/secondary institution;
- aged 4 to 21 years (or the age range eligible for elementary and secondary education support in the province of residence) on December 31 of the school year in which funding support is required; and
- ordinarily resident on reserve.

A student who is ordinarily resident on reserve lands that are leased is not eligible for funding unless that student is a registered Indian.

Ordinarily resident on reserve means that the student usually lives at a civic address on reserve, is a child in joint custody who lives on reserve most of the time, or is staying on reserve and has no usual home elsewhere. Students continue to be considered ordinarily resident on reserve if they return to live on reserve with their parents, guardians or maintainers during the year, even if the students live elsewhere while attending school or working at a summer job. (In this context, reserves are deemed to include all land set aside by the federal government for the use and occupancy of an Indian band, along with all other Crown lands which are recognized by DIAND as settlement lands of the Indian band of which the student is a resident.)

**Note:** In the case of a child in the care of a Child and Family Services Agency, or in the care of the province, the residency of the child is determined by the residency of the guardian with whom the child is placed. A guardian is a person who assumes authority for the child through a legal guardianship agreement.

## 6.2 Attendance Criteria

A daily student attendance book, or the electronic equivalent, must be maintained by all schools. In order to be entered on the Nominal Roll, a student must be eligible (see [section 6.1 above](#)), registered and in an established pattern of attendance and attending on the last instructional day of September in a school year (the census date).

Student eligibility is further confirmed by an on-site and in-office review by INAC of student attendance. At a minimum, attendance records will be reviewed for the months of September and October. The INAC regional office will establish the level of attendance during this period that is required for a student to be confirmed on the Nominal Roll for funding purposes (e.g. the number of days in September and the number of days in October, or a percentage in each month). Exceptions, as specified by provincial norms, may be made where there is documentation (e.g. a note or recorded notification in an established electronic monitoring system from the parent or guardian) that the reason a student's attendance falls below this level is due to participation in traditional pursuits, illness, placement orders by a Child and Family Services Agency, delays in school opening, or other unavoidable causes of absence from school.

The pattern of attendance established by INAC regions for funding purposes will apply to the following school types: band-operated, provincial, federal, and private/independent schools recognized by the province as an elementary/secondary institution.

## 7. Eligible Expenditures

The following list includes all items for which INAC elementary and secondary education funding may be spent at the discretion of the appropriate band authorities. The expenditures must be covered within

the funding provided under the regional school funding formula and will depend on the overall amount of funding available for elementary and secondary education.

### **7.1 Instructional Services in Band Operated Schools**

Eligible expenditures for instructional services in band-operated schools are:

- salaries for school professional staff (e.g. principals, vice-principals, teachers, para-professionals, substitute teachers, Aboriginal language coordinators);
  - support for culture and language learning and counselling;
  - professional development services;
  - curriculum development;
  - purchase and/or modification of instructional materials, including computers;
  - diagnostic testing and evaluation (not covered under the High Cost Special Education Program);
  - professional and para-professional services;
  - services for official language instruction;
  - books and other instructional supplies;
  - internet connectivity costs;
  - necessary support for equivalency programming (e.g. distance education courses, correspondence courses, school-monitored home schooling);
  - school nutrition programs (not covered under the National Child Benefit program);
  - school administration (e.g. school secretary, travel and relocation of education and administrative staff, rental of equipment, telephone, office supplies); and
- Note for recipients:** Travel expenses are to be claimed at actual cost, but cannot exceed Treasury Board of Canada Secretariat's guidelines as specified in the Treasury Board of Canada Secretariat's [\*Travel Directive\*](#) in effect at the time of travel. Expenses which exceed the rates set for in the Directive will not be paid.
- school evaluation (e.g. costs of preparing school evaluations) and implementation of evaluation recommendations.

### **7.2 Instructional Services in Federal Schools**

The same expenditures are eligible for federal schools as for band-operated schools ([see section 7.1 above](#)), with the exception of the salaries and benefits of federal employees, which are paid directly by INAC.

### **7.3 Instructional Services in Provincial and in Private/Independent Schools Recognized by the Province as an Elementary/Secondary Institution**

Eligible expenditures for instructional services are tuition charges established by the provincial school authority or the private school, and are similar to components of instructional services outlined for band-operated and federal schools. Pupil accommodation charges, operation and maintenance of provincial or private school facilities are also included in tuition agreements. These tuition charges are generally paid by a First Nation but may be paid by INAC, under exceptional circumstances.

The amount provided to a First Nation for a student attending a private/independent school will not be greater than the rate that would be provided for a student attending the provincial school nearest to the student's home community.

## 7.4 Student Support Services

In the category of Student Support Services, eligible expenditures are:

- room and board, or group homes costs for students who are attending school outside their home communities or whose parents are temporarily away from their home community pursuing traditional activities such as trapping;
- daily, extra-curricular, seasonal or special transportation (i.e. between the student's permanent residence and a seasonal residence);
- guidance, counselling and school liaison services;
- financial assistance including the cost of purchase or rental of books and supplies, specialized clothing (including a graduation allowance), equipment (e.g. laboratory or shop costs) or specialized educational services (e.g. school psychologists), additional fees for specialized classes;
- an allowance for reasonable incidental expenses for those students who are being accommodated outside of their home; and
- school committee support consistent with provincial norms.

## 7.5 School Board Type Services

In the category of School Board Type Services, eligible expenses are:

- costs associated with coordination of region-wide education programs and services in more than one community;
- program modification or adaptation;
- instructional materials;
- development of curriculum;
- diagnostic testing and evaluation (not covered under the High Cost Special Education Program or First Nation Student Support Program);
- professional services;
- professional development and support activities;
- costs associated with providing advice to band administration (e.g. travel expenses, web sites) and consultation with communities;

**Note for recipients:** Travel expenses are to be claimed at actual cost, but cannot exceed Treasury Board of Canada Secretariat's guidelines as specified in the Treasury Board of Canada Secretariat's [\*Travel Directive\*](#) in effect at the time of travel. Expenses which exceed the rates set for in the Directive will not be paid.

- management of education/school boards (including operational costs);
- advice and support to First Nations in wording and negotiation of agreements with provincial education authorities;
- funding for liaison with community service providers (e.g. child/family services, employment programs), provincial service providers and education organizations to support improved education outcomes;
- honoraria for school board members in line with provincial standards;
- school evaluation and implementation of evaluation recommendations; and
- maintaining a regional organization infrastructure.

## 8. Maximum Program Contribution

The maximum allowable payment per full time equivalent (FTE) student was established to ensure that the most extreme circumstances could be funded as necessary. Actual funding per student is set regionally and will depend on the overall amount of funding available for elementary/secondary education.

The maximum contribution for elementary/secondary education services to band-operated schools and federal schools (excluding high cost special education) is \$36,000 per full-time equivalent (FTE) student, per year.

Cost per student for instructional services in provincial schools is based on the tuition rate established by provincial school boards/districts.

For students attending private/independent schools, the maximum amount payable is the rate that would have been paid if the student attended the nearest provincial school to the student's home community.

## 9. Funding Arrangement

Funding will be available in the form of a one-year or multi-year Set, Fixed or Block contribution depending on the type of institution and services. The results of the General Assessment (GA) of each recipient may impact the duration of the agreement and the recipient's ability to access certain funding approaches. For information on funding approaches and the GA, visit the [Transfer Payments page](#) on INAC's website.

## 10. Monitoring and Accountability

Funding recipients must deliver the programs in accordance with the provisions of their funding agreement and the program delivery requirements outlined in these National Program Guidelines while also ensuring that the necessary management controls are in place to manage funding and monitor activities. Funding recipients are required to exercise due diligence when approving expenditures and must ensure that such expenditures are in accordance with the eligible expenditures set out in these National Program Guidelines.

INAC is committed to providing assistance to recipients in order for them to effectively carry out obligations under these National Program Guidelines and funding agreements. Regional offices and other departmental contacts are available to answer questions and provide guidance related to INAC programs and funding.

To ensure that program delivery requirements are being met, that funds are expended on the intended purposes, and that INAC's accountability to Parliament is being met, activities including audits, evaluations, as well as desk and on-site compliance reviews will be conducted with all funding recipients.

- The Department's collection and use of personal information and other records for the purposes of program compliance reviews will be limited to what is necessary to ensure program delivery requirements are met.
- The Department is responsible for all information and records in its possession. The confidentiality of the information will be managed by INAC in accordance with the *Privacy Act* and other related policies on privacy. Recipients are responsible for the protection of

personal information per the privacy legislation, regulations and/or policies that govern them up to the point that it is transferred to INAC.

## 11. Reporting Requirements

The reporting requirements are listed in the recipient's funding agreement, and details on these requirements are available in the [Reporting Guide](#). Recipients are responsible for ensuring that reporting requirements are met and reports are accurate and submitted on or before the established due dates. Recipients who have access to the [INAC Services Portal](#) can access the reporting forms (Data Collection Instruments) by opening a session on the Portal. If you do not have access to the Portal, contact your [regional office](#).

## 12. Contact Information

For further program information, please visit the [Elementary/Secondary Education Programs page](#).

The regional offices coordinates can be found on the [Contact Regional Offices page](#).

You can also write to:

Education Branch  
Indigenous and Northern Affairs Canada  
10 Wellington Street  
GATINEAU QC K1A 0H4  
Fax number: 819-934-1478  
[aadnc.education.aandc@canada.ca](mailto:aadnc.education.aandc@canada.ca)

These National Program Guidelines can be consulted in the [Education National Program Guidelines page](#) of INAC's website and through the *View Instructions* button on the first page of this program's Data Collection Instrument (DCI).

Date modified:

2015-12-31

## Transfer Payments

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The Government of Canada transfers money to First Nations, Tribal Councils, Inuit and Métis communities, Northerners and other recipients for the delivery of programs and services that would ordinarily be provided by various levels of government (provincial, territorial, municipal).

### What Information is Available?

In this section, find out more about the types of [funding agreements](#) and [funding approaches](#) that exist at Aboriginal Affairs and Northern Development Canada and the [Treasury Board of Canada Secretariat's \(TBS\) Policy and Directive](#) that guides the management of our transfer payment programs.

You can also learn about the [General Assessment](#) tool, used to support the management of funding agreements, or our [Default Prevention and Management Policy](#), which helps us maintain continuity in the delivery of programs and services funded by the department.

This section also contains information about the [Grants and Contribution Information Management System \(GCIMS\)](#), [transfer payment terms and conditions](#), and about the [Reporting Guide](#) - the single location for recipients to get all the reporting requirements for the financial and program performance aspects of their funding agreement with AANDC.

### Additional Information:

- [AANDC Transfer Payment Service Standards](#)
- [Proposals, Applications, Workplans](#)

## General Assessment

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The General Assessment supports the management of [funding agreements](#) that have been negotiated between Aboriginal Affairs and Northern Development Canada (AANDC) and funding recipients.

Completed by AANDC staff, and then shared and discussed with recipients, the General Assessment provides an annual snapshot of the funding recipient's past performance. It also identifies strengths and emerging risks that may have an impact on how AANDC manages its [transfer payments](#) to the recipient.

*The General Assessment Workbook is used to assess the following risk factors: governance, planning, financial management, program management and other considerations. Information about recipients is compared to a series of benchmarks that describe different risk levels and the recipient is assigned a risk level according to the following categories: "low", "medium" or "high".*

AANDC uses the [General Assessment Workbook](#) tool to complete the General Assessment for all funding recipients, including new applicants, to support an equitable and consistent approach to managing funding agreements. This ensures that there is more transparency and accountability for both the recipient and the department.

The General Assessment supports increased flexibility by assessing the capacity of recipients to access a wider range of funding approaches, including multi-year funding agreements. It also allows for longer-term planning by identifying areas for improvement that the recipient and the department can then discuss and develop solutions together.

Targeting specific areas for improvement in this way also allows the department to identify areas where capacity development efforts can be made to support a recipient's own efforts to achieve greater autonomy in managing agreements.

Depending on the results of this General Assessment, AANDC may also adjust its reporting requirements for a recipient. This would allow the department to work more closely with the recipient with higher risk profiles. For example, a recipient with a lower risk profile may be required to submit fewer reports than a recipient with a higher risk profile.

The results of the General Assessment will potentially affect the duration of funding agreements, the frequency and type of departmental monitoring activities (and related reporting requirements), the flexibility of the funding arrangement and a recipient's eligibility for certain [funding approaches](#).

The General Assessment is an evolving tool used by the department to arrive at measuring funding agreement management risks. It is one of the elements of the department's approach to implementing the Treasury Board Secretariat's [Policy on Transfer Payments](#) (PTP).

Version 1 of the General Assessment was used in the Fall 2010 for funding agreements entered into in 2011-2012. In the spirit of the PTP, AANDC worked with recipients to identify areas for improvement with the Version 1. As a result, for the 2012-2013 funding year, we will be using Version 2 of the General Assessment.



Version 2 of the General Assessment contains refinements to the scoring scale of the considerations; the weighting assigned to each risk factor (e.g., increase the importance attached to program management risk); and streamlining of the risk factors (e.g., from 5 to 4 in Part A).

**3.      Additional Information:**

- [Frequently Asked Questions – General Assessment](#)
- [General Assessment \(GA\) Workbook](#) Revised

**General Assessment (GA) Workbook - 2014**

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## **1. Introduction**

The Treasury Board Policy on Transfer Payments (2008) requires that all federal departments/agencies apply a more recipient specific, risk-based approach to managing transfer payments. It is part of federal initiatives to strengthen accountability and improve results for Canadians.

The General Assessment (GA) Workbook was developed to ensure:

- policy requirements are met;
- a consistent approach in the treatment of organizations applying for and receiving funds; and
- due diligence is exercised and can be demonstrated.

The GA process is intended to assist programs to manage arrangements based on the assessed level of risk. The ultimate objective is the effective delivery of public services and management of public funds .

## **2. How it Works**

The GA Workbook identifies potential sources of risk or "Risk Factors". These are subdivided into "Considerations" to be reviewed when evaluating each risk factor.

For each "Consideration" there is a set of descriptions or "Benchmarks" as to what a low, medium and high risk situation looks like. These descriptions are based upon past experience.

To complete the GA Workbook, information about the funded organization is compared to these benchmarks – to see which description is the best match. The GA Report summarizes the findings of all these comparisons and determines a risk level.

## **3. Completing the GA**

A GA will be completed, at least annually for each organization, using information collected throughout the year in managing the funding agreement(s).

The GA will provide a quick snapshot of each funded organization's performance relative to its funding agreement and highlight risks that may impact upon future performance. Organizations are categorized as facing low, medium or high risk.

Upon completion of the GA Report, the department/agency will meet with all funded organizations facing significant risk. The objective is to verify the findings and arrive at a plan for managing these risks – in order to support positive results and avoid negative outcomes.

Certain high risk issues may require resolution before entering into a funding agreement. They will require priority action.

Managing risk identified by the GA may require action by the funded organization, AANDC or third parties (e.g. advisory and support organizations).

Organizations in lower risk situations may be able to take advantage of certain benefits available under the Treasury Board Policy on Transfer Payments.

## **4. When to Use Part A or B of Workbook**

The GA Workbook is divided into two parts:

- Part A for Ongoing, Multi-Program Agreements
- Part B for Project and Ongoing Specific Service Agreements

#### **4.1 Part A**

Part A is used for more complex funding relationships with organizations with whom the department/agency has an ongoing relationship (given the department/agency's mandate), and who may manage a broad range of public services.

Part A typically supports the Master (primary) funding agreement with these organizations – which may provide for: core governance, the delivery of ongoing services; and the stream of routine projects they complete (e.g. routine maintenance projects).

In instances, Part B will also be completed for these same organizations, for example, to add a project to the master agreement that requires a specific technical capacity that is not adequately addressed by the Part A.

#### **4.2 Part B**

Part B will be used for less complex funding relationships (i.e. to fund a one-time, stand-alone project or to fund various organizations to deliver a specific service).

For example, Part B may be used to assess:

- an entrepreneur for an economic development project;
- a Province/Territory regarding delivery of a specific service; or
- where a new program, project or service is approved for funding that requires a specific technical capacity that is not adequately address by the Part A that has been completed

### **5. Annual Review of Workbook**

The GA workbook is subject to annual review and update based upon experience gained in its use. Comments and suggestions are welcomed from those using it.

### **6. Additional Information**

For the department/agency, materials on the Treasury Board Policy and the department/agency's response to it are available on the [department/agency's website](#) or by contacting your Funding Services Office.

For HC, contact the Center of Expertise (CoE) on Grants and Contributions.

For PHAC, contact the Center on Grants and Contributions (CGC).

## Frequently Asked Questions - Funding Approaches

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There are five approaches that Aboriginal Affairs and Northern Development Canada (AANDC) may consider in the design and delivery of transfer payment programs:

1. **Grant approach** – A grant is a transfer payment that is subject to pre-established eligibility and other entitlement criteria. Recipients are not required to account for the grant, but they may be required to report on results. The grant funding approach can be used for any duration of time necessary to achieve program results. Grants are not normally subject to departmental audits but require specific Cabinet policy and Treasury Board of Canada Secretariat program spending authorities.
2. **Set contribution approach** – A set contribution is a transfer payment that is subject to performance conditions outlined in a funding agreement. Set contributions must be accounted for and are subject to audits. This is the basic type of contribution commonly used in the past and where unspent funding is returned to the department annually.
3. **Fixed contribution approach** – Fixed contribution funding is an option where annual funding amounts are established on a formula basis or where the total expenditure is based on a fixed-cost approach. Fixed funding is distributed on a program basis. It is possible under this approach to allow recipients to keep any unspent funding provided that program requirements set out in the funding agreement have been met and the recipient agrees to use the unspent funding for purposes consistent with the program objectives or any other purpose agreed to by the department. This approach is based on AANDC's previous Flexible Transfer Payment (FTP).
4. **Flexible contribution approach** – Flexible contribution funding is an option which allows funds to be moved within cost categories of a single program during the life of the project/agreement. However, unspent funds must be returned to the department at the end of the project, program or agreement. The flexible contribution approach is used when:
  - The recipient has met certain assessment criteria (including results from the [General Assessment](#));
  - A program requires a two or more year relationship with a recipient to achieve objectives and can be funded under a multi-year funding agreement; and
  - The recipient can redirect funding among the various cost categories of that program as established in the agreement.
5. **Block contribution approach** – Block contribution funding is an option which allows funds to be reallocated within the block of programs during the agreement, as long as progress towards program objectives is being achieved. It is possible under this approach to allow recipients to keep any unspent funding provided that program delivery standards have been met and the recipient agrees to use the unspent funding for purposes consistent with the block program objectives or any other purpose agreed to by the department. The block contribution approach can be used where the recipient has

met certain readiness assessment criteria (including results from the [General Assessment](#).) This approach is based on AANDC's previous Alternative Funding Arrangement (AFA) authority and will be managed in a similar fashion.

The flexible and block funding approaches involve multi-year funding agreements that can last up to ten years. Agreements of this duration are considered on a case-by-case assessment basis and require recipients to meet certain capacity and eligibility criteria. These approaches support stable, ongoing relationships and provide flexibility for Aboriginal recipients in regards to the use of funding. Multi-year funding agreements also benefit Aboriginal recipients by enabling them to reduce their administrative burden.

#### AANDC Funding Approaches Key Elements:

<b>Funding Approach</b>	<b>Treatment of Unspent Funds</b>	<b>Redirection of Funding To Other Programs or Projects During Agreement</b>	<b>Criteria for AANDC Recovery of Funding</b>
<b>Grant</b>	Can be retained by the recipient	Grant is to be used for any expenditure related to the purpose, activity or initiative being funded.	Recipient becomes ineligible
<b>Set Contribution</b>	Returned at end of each year	Funds are to be expended as identified in the funding agreement. Cannot be redirected to other programs or projects.	Funding is unspent or spent on ineligible items
<b>Fixed Contribution</b> <b>Aboriginal recipients only</b>	Returned annually unless used in the next year in the same program.  Can also be kept and used in other areas if a plan outlining the activities to be undertaken with the unspent funds is approved by the department prior to use.	Funds are to be expended as identified in the funding agreement. Cannot be redirected to other programs or projects.	A plan is not provided/not approved where required, or  Funding is not spent within timeline, or is spent on ineligible items
<b>Flexible Contribution</b> <b>Aboriginal recipients only</b>	Carried forward each fiscal year during the agreement or the project; and returned at end of agreement or project whichever comes first	Funds are to be expended as identified in the funding agreement and cannot be redirected to other programs or projects. Funds may be redirected between cost	Funding is unspent at the end of project or agreement or is spent on ineligible items

		categories in the project as defined in the funding agreement.	
<b>Block Contribution</b>	Can be kept if used for activities in the block.	Redirection of funding is allowed among any and all programs included in the block during the life of the agreement, subject to delivery standards being met.	A plan is not provided/not approved where required, or
<b>Aboriginal recipients only</b>	Can also be kept for other activities outside the block if a plan outlining the activities to be undertaken with the unspent funds is approved by the department prior to use		Funding is not spent within timeline, or is spent on ineligible items

**Did the new funding approaches affect recipients with annual or multi-year Comprehensive Funding Arrangements (CFA) that expired March 31, 2011?**

Yes. New national funding agreement models have been developed to include the various funding approaches. As of April 1, 2011, AANDC has been transferring funding to recipients using the new national funding agreement models and the new funding approaches, as appropriate. The funding approaches to be used depend on the nature and risk of the program and the nature and risk of the recipient. The duration of these agreements is based on the risk assessment as determined by a [General Assessment](#) undertaken by AANDC.

**What happened to multi-year agreements that did not expire March 31, 2011?**

There have been no amendments to incorporate the new funding approaches into existing multi-year agreements that have expiry dates beyond March 31, 2011. Existing multi-year agreements will continue to include the previous funding types (Alternative Funding Arrangements, Contributions or Flexible Transfer Payments) until they expire. These funding types will continue to be managed in a manner similar to previous years. When the existing agreements expire, the new national funding agreement models will be used.

**Were all First Nations and Tribal Councils that administer a Canada First Nations Funding Agreement (CFNFA) or a DIAND First Nations Funding Agreement (DFNFA) that expired on March 31, 2011 offered a new agreement with block contribution funding for 2011/12?**

Yes, except in the following situations:

- The First Nation or Tribal Council informed the department that it did not want to enter into a block contribution;
- the assessment process was completed and the results indicated that the First Nation or Tribal Council did not meet the eligibility criteria; or
- the region had information indicating that providing block contribution funding would have placed the delivery of programs and services at risk.

In cases where a new agreement with block contribution funding was not granted or was granted conditionally, the department may have offered a limited transitional agreement that may or may not include block funding. Each case was assessed on its own merits.

#### **How will unspent funding for fixed and block contribution funding be managed?**

Unspent funding for fixed and block contribution must be spent on activities acceptable to the department or it must be returned to AANDC.

Unspent funds may be used for activities covered by existing program terms and conditions (fixed) or activities covered by any of the programs in the block (block funding only). These funds may only be retained if they are spent within the specified timeline and are accounted for as part of the regular program and financial reporting requirements.

Under fixed contribution and block contribution approaches, if unspent funding is to be used for another program or activity, a plan on the proposed use of the unspent funds must be submitted to AANDC no later than 120 days after the end of the project, program or agreement, whichever comes first. In such cases, a separate report on the use of the unspent funding is required.

Unspent funding may only be spent after the plan on the proposed use of funding is accepted in writing by AANDC. Therefore, it is especially important for recipients with block contribution funding to provide a plan as early as possible during the agreement. Otherwise, they may have to wait until after the expiry of the agreement to use the unspent funding as funds cannot be used outside of the block during the agreement without prior written acceptance.

Instructions for the plan and report on unspent funding are included in the [Year-end Reporting Handbook](#) distributed with the funding agreement.

#### **If a plan is required, what activities can unspent funding in fixed and block contributions be used for?**

As noted, unspent funding can be used for any activities within the program (fixed contribution) or block of programs (block contribution). However, AANDC will also consider any other activities proposed in a plan and which the department has the authority to fund. This includes any activities identified in a plan previously accepted by the department, such as a recipient Management Action Plan, a Community Development Plan or a recipient Fiscal Plan (block contribution requirement).

#### **When can I spend unspent funding?**

For block contributions, unspent funding can be spent within the fiscal year(s) covered by the agreement or within one fiscal year following the end of the agreement. For fixed contributions, unspent funding can be spent during the fiscal year following the fiscal year that generated the unspent funding.

#### **Can I use other previously submitted plans as my proposed plan for unspent funding?**

Yes, written notice to AANDC that unspent funding will be used for activities described in a previously accepted plan, such as a Fiscal Plan or Management Action Plan, is acceptable. For administrative ease, these plans can be referenced and/or attached to the Plan template in the [Year-end Reporting Handbook](#). The department will confirm approval through a written notice. A report on the use of the unspent funding will still be required. **When does the need to submit a plan for unspent funding take effect?**

The new funding approaches apply to agreements beginning April 1, 2011.



**Alternative Funding Arrangements or block contribution funding were previously only available for First Nations or Tribal Councils. Will AANDC be entering into agreements with Block contribution funding for new types of recipients?**

Block contribution funding is an approach for providing transfer payments not only to First Nations or Tribal Councils but to all Aboriginal recipients. The funding approach to be used depends on the nature and risk of the program and the recipient.

Date modified:  
2011-12-01

\*\*\*\* Due to Indigenous Affairs' web updates and changes, two documents are no longer available:  
National Funding Agreement Models (2 pages)  
Archived-FAQ-British Columbia Tripartite Education Framework Agreement for First Nations Elementary and Secondary Education (2 pages)

Although these are not on this electronic version of the Final Copy of this report, they are both available in the hard copy *Phase Three draft copy* and the *Final Copy* of this Report.

### **Ontario Provincial Funding Formula for Elementary Education**

The following pages include information on

1. How is education funded in Ontario?
2. Ontario Ministry of Education- School Funding- A Guide for Parents  
- Education Funding, 2015
3. Torontoist (article) - Ontario's Education Funding Formula

[www.peopleforeducation.ca](http://www.peopleforeducation.ca)

## **Q: How is education funded in Ontario?**

### **FUNDING FOR EDUCATION IS A PROVINCIAL RESPONSIBILITY**

In 1997, the provincial government developed a [funding formula](#) for education. Before 1997, kindergarten to grade 12 education was paid for through a combination of provincial funding and funding from local property taxes. When education was funded through local property taxes and school boards were able to decide on tax rates for education, boards with a “richer” tax base (e.g. larger urban centres) had much more money to spend on education than boards with a very small tax base.

One of the goals of the provincial funding formula was to make education funding more equitable across the province. Many adjustments have been made to the formula since 1997, but the basic structure of the formula remains.

#### **Per pupil funding**

Much of education funding is tied to enrolment.

Funding for classroom teachers, education assistants, textbooks and learning materials, classroom supplies, classroom computers, library and guidance services, preparation time (which funds specialist and student success teachers), and professional and para-professional supports is all allocated on a per pupil basis. (e.g. for every 763 elementary students, the province provides funding for one teacher-librarian; for every 385 secondary students, the province provides funding for one guidance counsellor).

Funding to heat, light, maintain and repair schools also depends, for the most part, on student numbers. There is funding to maintain 104 square feet per elementary student, 130 square feet per secondary student and 100 square feet per adult education student. There is also some “top up” funding for schools that are just below the provincially-designated capacity.

Over the years, funding has been added to support the province’s smaller schools and to somewhat cushion the blow of [declining enrolment](#). Principals, vice-principals, school secretaries and school office supplies are now funded according to a formula based both on numbers of students and numbers of schools.

While a proportion of boards’ funding is based on numbers of students, there are other grants added to the “per pupil” base (Special Education, English or French language support, Transportation, Declining Enrolment, Learning Opportunities etc.). Per pupil funding is not meant to be equal, as different boards have different needs. But it is meant to be equitable in order to provide equal educational opportunity for all students.

### **WHERE ARE THE DECISIONS MADE?**

#### **The province**

Each year, usually in March, the [Ministry of Education announces changes and adjustments to education funding](#).

The province provides [funding to school boards](#) based on a number of factors, including the number of students in a board, the number of schools, the percentage of high needs special education students, the

number of students who have either English or French as their second language, and based on some unique geographical needs (a high number of small schools, very far apart, for example).

But only the special education funding is “sweatered,” meaning it cannot be spent on anything but special education. Most other funding can be moved from one category to another, which means that many funding decisions are made at the board level.

### **The school board**

School boards make decisions about individual schools’ budgets and on criteria for things like the numbers of students a school must have in order to get staff such as teacher-librarians, vice-principals or full-time principals. Boards distribute funding for teachers to schools depending on the number of students and, in some cases, depending on the number of students who might struggle to succeed – either because of socio-economic or ethno-racial factors or because of other special needs. Boards also decide which schools should stay open and which should close, and how many custodians, secretaries and educational assistants each school will get.

### **The school**

Principals receive a budget for the school from the school board. They make decisions about school maintenance and repairs within that budget, and about the distribution of teachers and class sizes. They decide how to allocate educational assistants and whether their school can have staff such as a teacher-librarian, a music teacher or department heads. Depending on the size of the school, principals may also allocate funding to different departments.

Principals also make decisions on fees and, with the school council, decide where fundraised money will be spent. Some schools augment their budgets to a great degree with money received through fundraising.

### **IS THERE ANY PUBLIC INPUT INTO EDUCATION FUNDING?**

Yes, school councils, school boards, professional associations, parents’ organizations and the general public can all have input into the provincial budget for education. [Consultations](#) are usually held just before the end of the calendar year, or early in the new year. It is helpful to let the province know the effect of provincial funding on your school or board.

## School Funding - A Guide for Parents- Ontario Ministry of Education

[www.edu.gov.on.ca/eng/parents/funding/formula.html](http://www.edu.gov.on.ca/eng/parents/funding/formula.html)

### 3. The Funding Formula

School boards are funded through Ontario's "funding formula." The ministry allocates funding to each board using a formula that's based on student enrolment and the unique needs of the students in each board. The number of schools, their distribution and their physical condition are also factors.

Boards use this money to make the local decisions needed to educate their students. They do this by funding and staffing schools, designing programs to meet the needs of their students and fixing, maintaining and building schools.

#### How your school is funded

Each year your school board decides how much money to give your local school. The school then spends this money according to the plans and priorities of the school board and the province. For example, since schools, school boards and the government are concentrating on [improving student achievement](#), schools will spend money to support that goal. The school also considers its improvement plan developed by the principal and the school community.

Schools also have some choices in the way they spend money. For example, a group of schools might decide to pool their resources to fund a music program. One school might buy musical instruments, another might hire a local musician to visit the schools, and so on. It is important that schools, like school boards, can make these choices so that they can meet the needs of students in their communities.

#### Funding grants

The various grants in the education funding formula fall into three broad categories:

1. Basic or "foundation" funding that every board receives for general costs, such as staff salaries, textbooks, classroom computers and other supplies.
2. Funds to help boards meet the unique needs of their students. English-as-a-Second-Language (ESL) programs, special education classes and funding for remote or rural schools are just a few examples.
3. Funds that are used to build new schools, and to repair and maintain existing schools.

This funding is then used by the school board to develop its budget for the school year.

According to the [Education Act](#), school boards must submit balanced budgets. A balanced budget simply means that the amount of money that a board expects to spend is equal to, or less than, the amount of money it receives from the government.

### **For Administrators: Further information on grant-based funding**

#### **Education Funding, 2015-16**

Each year the ministry provides funds to school boards through a series of grants. This page contains information on this year's grants, plus links to information on grants from previous years.

Anyone interested in education funding can visit [2015-16 Education Funding: A Guide to the Grants for Student Needs](#) (PDF, 875 KB)

#### **How are capital investments improving Ontario's publicly funded schools?**

The Ontario government is investing in a variety of ways to make schools better places to learn. When students are in good learning environments, they can focus on achievement and getting better outcomes. [Learn more...](#)

- **Information on the 2015-16 Grants For Student Needs**

#### **March 2015 Release**

- Memorandum 2015 B07: [Grants for Student Needs Funding for 2015-16](#) (PDF, 123 KB)
- March 26, 2015: [Grants for Student Needs: Technical Briefing Video](#) (38:44)
- March 26, 2015: [Grants for Student Needs: Technical Briefing Presentation Slides](#) (PDF, 282 KB)

#### **Ministry Publications**

- [Technical Paper 2015-16](#) (PDF, 1.93 MB)
- [School Board Funding Projections for the 2015-16 School Year](#) (PDF, 915 KB)
- B2015: B09 [Release of New Pupil Accommodation Review Guideline and Community Planning and Partnerships Guideline](#) (PDF, 61 KB)
  - [Appendix A – Pupil Accommodation Review Guideline, March 2015](#) (PDF, 82 KB)
  - [Appendix B – Community Planning and Partnerships Guideline, March 2015](#) (PDF, 140 KB)
- Memorandum 2015 SB04: [Update on the School Condition Improvement Funding Program and the Condition Assessment Program](#) (PDF, 137 KB)
- Memorandum 2015 SB05: [Special Education Funding in 2015-16](#) (PDF, 324 KB)
- 2015-16 Education Funding: [Consultation Summary](#) (PDF, 202 KB)
- Special Education Funding Guidelines: [Special Equipment Amount \(SEA\), 2015–16](#) (PDF, 482 KB)
- Special Education Funding Guidelines: [Special Incidence Portion \(SIP\), 2015–16](#) (PDF, 609 KB)

## Supporting Regulations

- [Grants for Student Needs – Legislative Grants for the 2015-16 School Board Fiscal Year \(O. Reg. 195/15\)](#)
- [Calculation of Fees for Pupils for the 2015-16 School Board Fiscal Year \(O. Reg. 196/15\)](#)
- [Calculation of Average Daily Enrolment for the 2015-16 School Board Fiscal Year \(O. Reg. 197/15\)](#)

## References

- [School Board and School Authority Tangible Capital Assets: Provincial Accounting Policies and Implementation Guide](#), revised April 2015 (PDF, 784 KB)
- [The Instruction Guide](#), dated 2009 (PDF, 1.25 MB)
- [Common Course Codes: Course Descriptions and Prerequisites, Grades 9 to 12](#)
- [Ontario Schools, Kindergarten to Grade 12: Policy and Program Requirements, 2011](#)
- [The 2005 Data Form A](#) (PDF, 40 KB)
- **Good Places to Learn**
  - [Stage 1 Funding Allocation](#) (PDF, 4.86 MB)
  - [Stage 2 Funding Allocation](#) (PDF, 1.53 MB)
  - [Stage 3 Funding Allocation](#) (PDF, 1.15 MB)
  - [Stage 4 Funding Allocation](#) (PDF, 918 KB)
- [List of Schools Eligible for School Foundation Allocation, 2015–16](#) (PDF, 2.31 MB)
- [The Uniform Code of Accounts](#), revised March 2015 (PDF, 498 KB)
- [The Report of the Pupil Accommodation Review Committee, 1998](#) (PDF, 98 B)
- [Variable Area Per Pupil Benchmark Table, May 2015](#) (ZIP, 76 KB)
- [Geographic Adjustment Factors – School Facility Specific, May 2015](#) (ZIP, 346 KB)

## Previous Years

- [2014-15 Education Funding](#)
- [2013-14 Education Funding](#)
- [2012-13 Education Funding](#)
- [2011-12 Education Funding](#)
- [2010-11 Education Funding](#)
- [2009-10 Education Funding](#)
- [2008-09 Education Funding](#)
- [2007-08 Education Funding](#)
- [2006-07 Education Funding](#)

11/5/2015 <http://torontoist.com/2015/05/torontoist-explains-ontarios-education-funding-formula/>

### **Torontoist Explains: Ontario's Education Funding Formula**

**We walk through the complicated funding allocation for Ontario primary and secondary schools, and what that means for students.**

**BY PATRICK METZGER**

With teacher strikes threatening to disrupt the end of the school year in several Ontario districts, including Peel region, the hows and whys of education funding are under more scrutiny than ever.

Last month's provincial budget earmarked \$25.2 billion for education—a considerable sum, second only to the \$50 billion allocated to the health portfolio. That breaks out to \$11,451 per student, or roughly the starting salary of a university arts graduate.

So, how does the provincial government allocate these resources to ensure students and schools across Ontario get what they need?

#### **Grant for Student Needs**

The name given to the \$25 billion in education funding is the “Grant for Student Needs,” or GSN, which the province distributes to Ontario's 72 school boards (31 English-language public, 29 English-language Catholic, four French-language public, and eight French-language Catholic), and a small number of schools run by 10 school authorities.

The amount each board receives is based largely on student numbers, although the complex formula provides many exceptions for different factors, including schools that are isolated, small, or have large numbers of students with special needs or without English or French as a first language.

For example, for every 1,000 primary students or Average Daily Enrolment (ADE), a board is entitled to 50.51 classroom teachers (presumably the .51 is rounded up as necessary to avoid frightening the younger kids), priced at a benchmark salary plus benefits. A similar formula exists for maintenance funding, with each elementary school pupil buying 104 square feet of space, larger secondary students 130 square feet, and adult education students only 100 square feet (the latter number lower because adult education doesn't require special needs facilities).

The school boards in turn determine how the funding will be distributed among the schools in their jurisdiction, based again on number of students and other factors. They also establish criteria that allow schools to hire specialized staff such as teacher-librarians, and they decide how many administrative and maintenance staff are required for each school.

At the bottom of the funding chain are the schools themselves, which make decisions within the budgets determined by the school boards. They allocate maintenance budgets, and decide teacher assignments and classroom sizes.



The GSN breaks down into multiple segments, which include:

- **Pupil Foundation Grant**

The lion's share of funding goes into the Pupil Foundation Grant, which in 2015-2016 will be around \$10.45 billion, or almost half of the GSN. This grant funds the common elements used in educating students—teachers, guidance counsellors textbooks, classroom supplies, and the like. The amount of the grant per student is divided into three categories for elementary students—kindergarten, primary (grades 1 to 3), and junior/intermediate (grades 4 to 8). There is a single per-pupil amount for secondary students.

- **School Operations and Renewal Grant**

This grant covers the costs of operating, maintaining, and repairing school facilities and amounts to \$2.38 billion. The school operations allocation pays for things like heating, lighting, and cleaning, while the school renewal allocation goes towards repairs and renovations, adjusted for age of school and varying regional construction costs. Funding is also adjusted for unique architectural features such as wide hallways or large auditorium spaces.

An interesting twist for this grant is that beginning this year, “a component of this funding that reflected the costs to clean, light, and heat school space that was underutilized is being phased out over the next three years.” While this probably doesn't mean that underutilized halls and classrooms will devolve into cold, untended, rat-infested wastelands, it has an ominous ring to it nonetheless, suggesting that schools will no longer receive money to maintain unused space, and that some could be forced to close or consolidate.

- **Qualifications and Experience Grant**

This grant provides allows extra funding for teachers, early childhood educators, and other classroom staff whose qualifications and experience earn them salaries and benefits higher than the benchmark calculation. This grant will add up to \$1.75 billion in 2015-16.

### **School Foundation Grant**

This grant pays for principals, vice-principals, office support, and administrative supplies, and is projected to be \$1.42 billion in 2015–16.

- **Special Education Grant**

This grant is unique in that it can be used by boards only for its designated purpose, while funding from other grants can be shifted around. The Special Education money is used for

qualified staff, special facilities and equipment, testing, etc. Any funds not spent within the fiscal year must be saved and used for special needs in a future school year. This year the province has allocated \$2.72 billion for Special Education.

In spite of that significant sum, one of the criticisms levelled against the funding formula is that it doesn't provide enough money, or at least apply it efficiently enough, to help special needs students. To this end, there are media reports about principals [sending special needs children home](#) because services are unavailable, and families [moving to Alberta](#) for more flexible autism services.

- **School Board Administration and Governance** All those school boards don't come cheap, and in 2015-2016 this grant is expected to come in at \$576 million. As per its name, the grant funds school board administration and governance, including everything from salary to offices and other facilities.
- **Student Transportation Grant** Just what it sounds like, this grant provides school boards with funding to get the kids to and from school. It is projected to be \$887.7 million in 2015–16.

Other grants include the Learning Opportunities Grant (funding for students at risk of lower academic achievement) at \$504 million, the Language Grant (provides for English and French language instruction) at \$664.6 million, and the Safe and Accepting Schools Supplement, which provides \$47 million to support secondary schools in priority urban neighbourhoods.

### Toronto and the Funding Formula

A [recent report](#) from the Canadian Centre for Policy Alternatives (CCPA) says that the funding formula shortchanges the education system, and Toronto in particular. The report seems to suggest that [TDSB spending scandals](#) are less important than inadequate provincial funding in explaining why GTA schools seem to be chronically short of cash. According to the CCPA, Toronto schools don't get enough cash for even basic services like libraries, let alone services such as language training or programs for high-risk kids, which tend to be needed more in Toronto than in smaller municipalities.

Still, if Toronto needs more investment in education (and we assume that waste-reduction programs will result in no significant savings), there are only a few places it can come from. Either the province shifts resources from other school boards, or from other programs into education funding, or gets increased funding for education from taxpayers. None of those options are likely to be well-received by the non-GTA population of Ontario, and the Liberal government, having snagged an improbable majority in the last election, will be keenly aware of that fact.

### Additional Resources:

- [2015-2016 Grants For Student Needs Technical Briefing](#)
- [2015-2016 Education Funding: A Guide to the Grants For Student Needs](#)

Six Nations Path to Educational Freedom

Phase Three:

**Eight Point Education Engagement Strategy**

Index of Topics (Eight Points)

- 1) Building Rationale for Transferring Education
- 2) Infrastructure and Facilities Review
- 3) Building Organizational Capacity
- 4) Staffing
- 5) Community Focus
- 6) Creating a Board/Authority/Education Entity
- 7) Negotiations
- 8) Responsibilities of Indigenous and Northern Affairs

As in the past, there remains three viable options for Six Nations Education:

- 1) Leave as is and continue to have INAC Ontario Region manage education funding and services.
- 2) Six Nations to recover Education and manage education funding and services.
- 3) Six Nations agree to a partnership with a third party to manage education funding and services.

**Recommendation:** Six Nations to initiate steps to recover education and manage education funding and services.

**(Original Recommendation:** Complete proposal for First Nation Student Success Program funds under Structural Readiness Activities to hire an Education Engagement Coordinator. (These funds are not available to Six Nations Education Committee.)

**Revised Recommendation:** Six Nations Education Committee seek out funds to hire an Education Engagement Coordinator.

### **1. Building Rationale For Transferring Education**

#### ***“A Return to a Life in Balance”***

When Six Nations Council decides to commit to the process of recovering education for our community, there are some key factors to consider when developing a plan, and the language used is paramount.

What is it Six Nations Elected Council wants to do?

- *Assume* control of education?
- *Transfer* education to....who? a board, authority or other type of entity?; the community?; to the existing Six Nations administration (PAC) with additional assistance provided in terms of human resources?; a partnership with the Six Nations Confederacy?
- *Manage education*- finances and programs?
- Is it termed *local control*?
- Is it *regaining local control*?
- *Recover* education (This term was agreed on by Education Committee members in attendance of January meeting.)

Indigenous people are aware of the effects of colonization, and it is up to our leaders, such as Six Nations Elected Council, to offer ways to decolonize institutions, such as education, whenever possible. With that being the reality, Six Nations remains in a state of **recovery**. We

are recovering our identity, our language, our stories, our wampum. Our education system can also be found within this state of recovery.

**Recommendation:** To use the term “**Recovering** our education system for our Haudenauonee Community” when referring to the transition away from Indigenous Affairs management regime.

Once terminology is selected, it should be consistent throughout the process.

A second preliminary stage before approaching the public, is to develop a rationale for wanting to do this. Hopefully, it is more than “because our hand is being forced” or “we need to be prepared”.

### **Educate, Inspire, Change**

*The law of attraction is simple.*

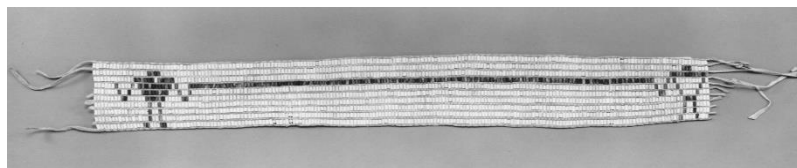
*When you focus on problems, you’ll have more problems.*

*When you focus on possibilities, you’ll have more opportunities. (Spirit Science)*

It should reflect a true concern with the inadequacies that AANDC continues to demonstrate as providers of education for our children. It should be based on the historical concept that we have always known what our community and specifically our children, need. The time has come to examine the system and put supports in place to once again raise our people up to be contributing, successful Haudenauonee. The word “successful” does not have to be defined, as there are too many diverse definitions for it.

Indigenize and decolonize the education our children are exposed to.

We are given four gifts- love, compassion, a good mind, and strength. Can these be used in the building of a rationale?



The Covenant Chain Wampum:

This wampum was created in 1667 between Six Nations and Great Britain to represent peace, alliance and support. This truly depicts the relationship that Six Nations wants to impress upon Indigenous Affairs- one that reminds both sides that we are not, or should not be at odds, but must continue to work together to improve the quality of life for Six Nations people, with a focus on education. We will shake the chain and know that assistance will be forthcoming.

**Recommendation:** Along with the use of Six Nations Council letterhead, incorporate a symbol such as the wampum above to remind INAC about the Nation to Nation relationship we have and the responsibility Canada and Six Nations have to each other. This reaffirms our identity.

## 2. Infrastructure

Six Nations Elected Council maintains that ownership of the school buildings rests with INAC. INAC must adhere to their own inspection regime (formal “school inspection every three years”, as well as Occupation Health and Safety Guidelines, and the Canada Labour Code requirements.

***Recommendation:*** Ensure all school buildings are adequate facilities for education, through the use of community/education human resources and/or professional inspection services.

- Request that each school Occupational Health and Safety Committee complete a survey in regards to school building conditions. This can be done at the monthly meeting. (see attached)
- Once survey completed, Six Nations Education Committee, along with Director of Public Works and Maintenance Supervisor, meets with OHS Committees at their monthly meeting to discuss facility issues.
- Request each school Occupational Health and Safety Committee to organize a school “walkabout” with the following in attendance: INAC Director of Education, Advisor to the Director, Manager of Federal Schools, Six Nations Fire Chief, Director of Public Works, SAO, Maintenance Supervisor, Chief Ava Hill; members of the Six Nations Education Committee; Health Canada Rep, Regional Health and Safety Co-ordinator-AANDC. (see letter)
- Alternately, have an organization such as “**Ontario First Nations Technical Services Corporation**” perform the inspection, which is a free service to First Nation communities.
- Request any recent testing done for each school- Air Quality Test, Risk and Threat Assessment, Radon Testing.

*Sample facilities survey for local school Health and Safety Committees*

School \_\_\_\_\_ Date \_\_\_\_\_

Describe the overall condition of your school:

Please comment on the following specifically:

Flooring:

Ceiling/tiles:

Roof:

Counters/Sinks/toilets in

a) staff washrooms:

b) student washrooms:

c) classroom:

Gym:

Vents:

Outside play equipment:

Track:

Recent testing results: air quality (last completed)

Radon: (spring 2015)

Threat and Risk Assessments: (Feb. 2015)

Prioritize the top 5 Health and Safety/Maintenance concerns for your school. Indicate if it is an on-going issue.

Any other items/concerns:

*Sample letter of invitation for inspection:*

Date

Dear *(name and organization)*,

Your attendance is requested at the Occupational Health and Safety Inspection for *(school)* on *(date)* at *(time)*. The purpose is to create a profile of recommendations for each school facility in an effort to organize a schedule of maintenance items. If you have an inspection report that is specific to your position of employment, please bring that to complete during the walkabout.

If you have any questions, please direct them to \_\_\_\_\_ Director of Public Works at 519 445- .

Sincerely,



## AANDC- National First Nations Infrastructure Investment Plan 2014-2015

*As of April 1<sup>st</sup>, 2014 (from INAC website, accessed November 2015)*



- [Introduction](#)
- [Program Overview](#)
- [Priority Action Areas](#)
- [Life Cycle Approach - AANDC Funded Community Infrastructure](#)
- [CFMP Resource Allocation Process](#)
- [First Nation Infrastructure Investment Planning Process](#)
- [National Plan \(2014–2015\)](#)
- [Appendix A – Regional Summaries](#)

### [Ontario](#)

#### Introduction

The First Nations Infrastructure Investment Plan (FNIIP) is developed annually by Aboriginal Affairs and Northern Development Canada (AANDC) in partnership with First Nations, to strategically plan investments, in the short and medium term, while supporting a base of infrastructure that protects the health and safety and enables engagement in the economy.

This report explains how the FNIIP is developed and provides details of specific eligible projects for investment and priority investment areas in accordance with the National Priority Ranking Framework. The current FNIIP report provides an overview of investments planned through the Capital Facilities and Maintenance Program (CFMP) for the period 2014-2015 to 2018-2019 and captures planned projects as of April 1, 2014.

#### Program Overview

The provision of community infrastructure funding to First Nations is based on the Government of Canada's spending power as a matter of social policy. The Capital Facilities and Maintenance Program (CFMP) is part of the Infrastructure and Capacity Strategic Outcome that falls under the broader Strategic Outcome "[The Land and Economy](#)", which promotes full participation of First Nations, Métis, Non-Status Indians and Inuit individuals and communities in the economy.

The mandate of the CFMP is to provide financial and advisory assistance to First Nations in the development of basic public infrastructure which is essential for healthy, safe and sustainable

communities. This assistance is provided to First Nations on reserves, as well as First Nations and other eligible recipients <sup>Footnote3</sup> on Crown land or recognized Indian land.

The CFMP is intended to assist First Nations in the planning, construction and/or acquisition, as well as operation and maintenance of community infrastructure and facilities including the following asset categories:

- Water supply, storage, treatment and distribution;
- Wastewater collection, treatment and disposal;
- Solid Waste collection and disposal;

**1. Elementary and secondary educational facilities;**

- Housing;
- Roads and bridges;
- Fire protection including fire halls, fire trucks and firefighting equipment;

### Life Cycle Approach – AANDC Funded Community Infrastructure

AANDC promotes a life cycle approach for infrastructure assets starting with the use of full life-cycle costing when approving capital construction projects. This type of analysis allows for the consideration of all the associated costs (e.g. for design, construction, operation and maintenance, insurance, and major renovations) of the proposed infrastructure throughout its entire life cycle. This information is used to make comparisons between proposed options (e.g. building an expensive installation with low operating and maintenance costs versus a less-expensive facility with higher operating and maintenance costs) to determine the most cost-effective option in the short, medium, and long term. This exercise is also useful in determining the funding levels required from the First Nation in future years for the operation and maintenance of the proposed infrastructure.

During an asset's service life, AANDC provides funding support to First Nations to help pay for the operation and maintenance costs of funded infrastructure assets. AANDC also encourages good asset management practices by recommending that First Nations implement Maintenance Management Plans for major capital assets. To help First Nations achieve longer term use of existing assets, AANDC funds inspections of some community assets such as schools, water and wastewater systems. Currently water and wastewater systems are inspected annually<sup>Footnote4</sup> while schools and other asset classes are inspected on a three year cycle as a minimum.

There is a *First Nations Infrastructure Investment Planning Process* for improved capital planning.

There is A-base or base budgets- recurring set of funds provided at onset of each budget period- derived from previous year's spending and inflation adjustments.

Major capital- specific proposal driven construction and repairs

Minor Capital- can be formula based or proposal driven funding- renovations and repairs

O&M- formula-based funding for on-going operation and maintenance.

### New School or an Addition Added

Once it has been determined that construction of a new school (or an addition to an existing school) is a priority, and that funding is available, approvals are required at each stage. Most First Nations have a Tribal Council or technical services corporation to assist them through the various stages of the project. INAC provides the funding and the region approves the payments at the various stages.

### Existing Schools Maintenance

Once a school has been built, a funding formula is used to calculate the (O&M) to be provided to each First Nation. Although the department provides funding for (O&M) at less than 100% for most facilities, for schools the funding is at 100%, based on a level of service standard and funding levels set in 1989 (adjusted since then for inflation at 2% per year). Although First Nations are responsible for spending these funds, there is no specific requirement in place for them to report on their use and, furthermore, regions do not actively monitor how they are spent.

*First Nations and/or Tribal Councils are also provided with (O&M) funding to conduct annual inspections of the physical condition of school facilities. The results of these inspections must be reported as indicated in the First Nation's National Reporting Guide (FNNRG).*

**Recommendation:** In light of the above information- the fact that AANDC should be inspecting the schools every three years and that an O&M plan is developed from that, and the fact that this has probably not been done for some time, from which can be assumed there may be severe deficiencies, it is crucial that an organization, such as KPMG (whose services are already contracted by INAC) or First Nations Technical Services (free) or the Ministry of Labour (which is probably a free service), be hired to do these inspections.

### **3. Building Organizational Capacity**

What are the outcomes expected if Six Nations education is recovered and managed locally?

- Enhanced culture and language learning opportunities
- Strengthened Human Resources capacity, one which allows the interviewing and hiring of First Nations teachers
- Improved accountability to parents, community and political groups
- Improved parental participation
- Development of appropriate performance indicators and use of data to improve student learning
- Professional development tailored to the needs of the teaching staff
- Eventual decolonization of the education system to one more suitable to the success of Six Nations students and teachers

\*This is a list that will be explored, edited, tailored according to the thoughts of the community and the eventual Six Nations Authority/board.

### **Hiring the Six Nations Education Engagement Coordinator**

From previous failed attempts to control education locally, as well as from the most recent Six Nations School Review and the Education Summit, the Six Nations community has made it clear that it does not want Six Nations Council to manage education on its own, but rather at arm's length. Because of this, it is important that a person is secured in some capacity almost immediately to be the **Six Nations Education Engagement Coordinator** or another title to be determined.

How Can This Be Done? The suggestion is to work with the current administrators at the Six Nations Schools- principals and vice principals. The importance of this person is to at least begin the dialogue on education, plan the community events, start the infrastructure inspections, etc.. The suggestion of obtaining services of someone in a current educational administration position is because the community has not publicly denounced any of the sitting principals and vice principals, which can be seen as a vote of confidence. The Education Engagement Coordinator has the insight of working with INAC staff, Home and Schools, Health and Safety, and a variety of community organizations.

#### **Current School Administration:**

JC Hill – 1 principal

Jamieson- 1 vice principal

Emily C. General- 1 principal; 1 acting vice principal

Oliver M. Smith- 1 principal; 1 acting vice principal

I. L. Thomas- 1 acting (?) principal; 1 vice principal

1 principal on full paid leave (\$100 000+)- pending investigation

1 vice principal on full paid leave (\$100 000)- pending investigation

The *Six Nations Education Engagement Coordinator* can be pulled from the current pool of active administrators. Create a job description with duties (such as liaison with community groups, create an education authority with the assistance of PAC- Principals Advisory Committee, organize a four day information blitz) that the Education Engagement Coordinator would be responsible for and ask all interested **active** administrators to submit a *Letter of Interest*. The non-council Education Committee members would be responsible for selecting the “best fit” for the purpose of the position.

**All of the above administrators are fully qualified for the positions they hold- Masters of Education and provincial Principals Course pt. 1 & 2. One also holds Supervisory Officer qualifications to be a School Superintendent or Inspector in the provincial schools.**

Funding of the position: Six Nations Education Committee will seek money from INAC to fund this position. If at this time this is not feasible, perhaps funding to hire a coordinator not specifically from the Principal/Vice Principal pool can be secured from another source other than INAC.

#### **4. Staffing**

The teaching staff has always been concerned that if a transfer of education occurs, the stability of employment will falter- rates of pay, sick days, pensions, PSAC union affiliation, etc. The eventual transition of teacher to the Six Nations Board/Authority will be determined by the Education Engagement Coordinator and/or another Six Nations Body. However, below are some recommendations to ease the process.

**Recommendation:** Teacher transition to community local management will be gradual over 5 years. This gives those teachers already hired time to decide if they want to continue their careers with the newly formed Six Nations education system. Once it is determined that the education system will be in recovery/transfer mode, any new teachers will be hired by the Education Authority and paid by wages transferred over. The model used for payment of teachers through FNSSP funds (First Nations Student School Success Program) could be used. These teachers would sign a constitution created by the Six Nations Education Authority.

**Suggestion:** Insist that the two administrators on paid leave be dealt with in a manner so as not to be a financial burden or be counted in the teaching staff allotted for the system.

**Suggestion:** Do not take on the supply teaching budget until the very last as it is uncontrollable. AANDC has created a pay grid for casual hires that allows supply teachers to be paid at a rate of up to \$400 a day. This has caused a huge expense for AANDC and is a point of contention. Due to Treasury Board regulations, every teacher is allowed 5 family days per year, 4 personal days per year, and 1.5 sick days per month, as well as a one-time 5 day paid leave, and a few other specific leaves. All of these leaves are costing huge amounts of money. For this reason, leave the supply teaching budget one of the final transitional pieces.

## **5. Community Focus**

In 2012, an Education Summit was organized by Councillor Helen Miller. A co-ordinator was hired to assist with planning, and the results reviewed in Phase 2 of this project. To create a positive momentum and focus on the recovery of education to Six Nations, it is suggested a series of information sessions be designed and delivered. The *Education Engagement Coordinator* will determine the topics/purpose, speakers, venue, times, follow up. He/She will also coordinate invitations for all stakeholders (such as groups from School Review- GEDSB, parent groups, staff), and include the Six Nations Confederacy.

The following is a sampling of topics, ***a Community Education Engagement Series***, perhaps to be held twice a week for 3 weeks:

**Session One-** Review of Federal schools in Ontario (Six Nations)- The consultant (Michelle Sault?) from Dona Cona Consulting present findings from the school review (2015), followed by a Q & A.

**Session Two-** Wampum and traditions – role in education and the responsibility of. Traditional knowledge keepers and speaker can explain how the wampum and our responsibilities are set out in relation to education to ensure the success of Haudenosaunee people. Sonja Greene (Six Nations educator) and Steve Hill (GEDSB educator) can be requested to share their views on a vision for Six Nations education system. *See document of images created by Ms. Sonja Greene located on page 104 of this document.*

**Session Three-** Building a Community Educational Philosophy, Vision and Mandate. What do we want our education to do? What does it look like? Attendees can work through a “work booklet” that would steer us along in the creation of our own unique education system. This could be prepared by the *Education Engagement Coordinator* as well as other volunteers, principals, etc.

**Session Four-** Educational Governance and Capacity. Guest speakers- *Mr. Max King*- establishing the transfer of education (New Credit perspective); *Ms. Dianne Longboat*- Education Law template; *Mr. Amos Keye*- current Indigenous thought on Indigenous education.

**Session Five-** Presentation by the Education Engagement Coordinator on a summary of what was presented in the first four sessions. Q&A and time given for feedback and further recommendations. Also an opportunity to get direction on the make- up of a Six Nations Education Authority.

**Session Six-** Final presentation on package of information that would allow the community to begin transitioning to assume the recovery and transfer of education.

## **6. Design and Create a Board/Authority**

This can be done in a variety of ways. One way is to use the most beneficial and relevant model produced from session 5 community engagement series. Another is to have principals work with their staff and the Education Engagement Coordinator to design a model for board/authority composition. A third option is for the Education Engagement Coordinator to work with other community groups such as The Indigenous Knowledge Centre at Six Nations Polytech, along with principals and Home and Schools. The ownership is then with the current education system leaders and community, rather than the elected council.

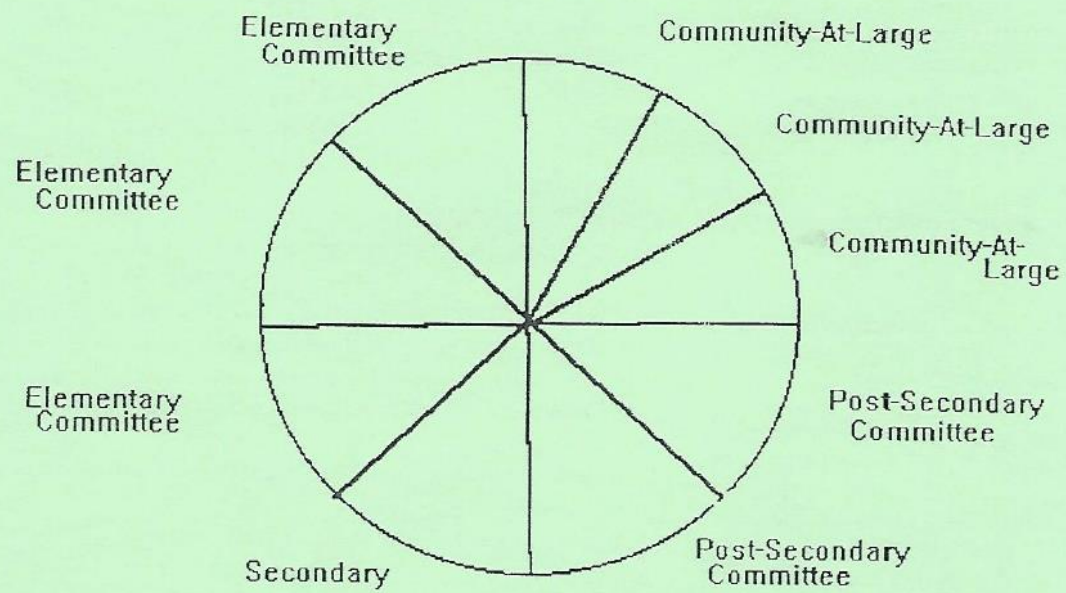
The first Education “Board” could be an interim board, or Steering Board.

\*The Indian Brotherhood recommends the Education Authority that is first established be the responsible bargaining agent with the ultimate financial control of education funds and facilities.

The following pages are examples of models considered by the *Community Education Project* for Education Authority Board Re-Organization, 1994.

(*First Nations Education Law* also has options/protocol for establishing an Education Authority, p. 29-32 of that document.)



**"CURRENT" Board Composition - 9 members**

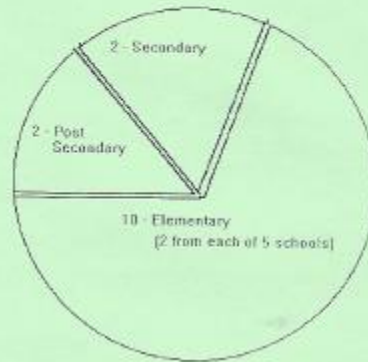
**"OPTIONS" - Board Composition**

2 representatives from each:  
post secondary / secondary /  
elementary schools.

- NO "Community At-Large"

- NO Political representatives

- 14 MEMBERS TOTAL



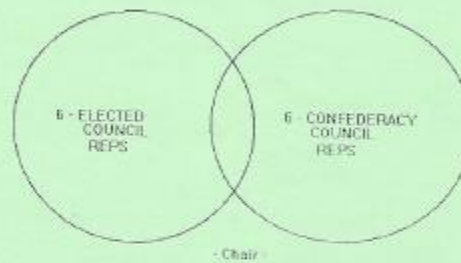
6 representatives each from:

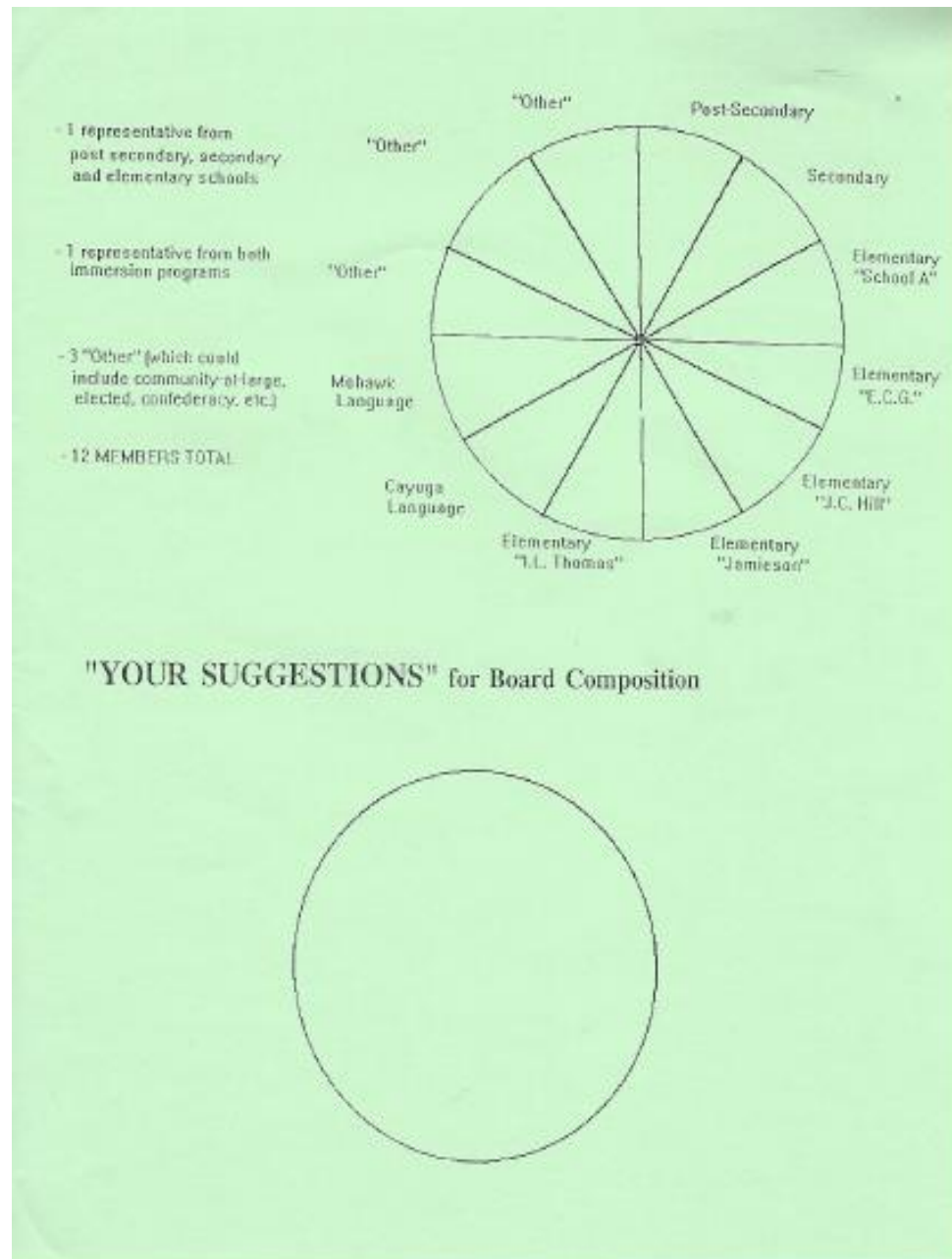
- ELECTED COUNCIL  
(appointed / elected)

- CONFEDERACY COUNCIL  
(appointed / chiefs)

1 Chair - a) appointed by  
mutual consent  
b) hired

- 13 MEMBERS TOTAL





## **7. Negotiations** (Polishing the Covenant Chain)

The government of Canada must support First Nations comprehensive learning systems through sustainable funding that allows for effective decision-making, capacity development, and community-based program design and delivery. There must be funding for second and third level support structures as determined by First Nations at the community, regional and national levels. (First Nations Control of First Nations Education. It's Our Vision, It's Our Time. July 2010. AFN)

Through Phase One and Two research opportunities for this project, it is clear that either AANDC does not have a handle on their finances to give Six Nations a definite dollar amount spent annually on education for the community, or AANDC does not want Six Nations to know. Whatever the truth of the situation is, it is of utmost importance to get an actual dollar figure spent per category- O&M, Wages, Supplies, Capital A, etc. This should be done for at least the past 3-5 years (5 years optimum), as budgets for resources, teachers, PD, etc. has been on the decline. It is important to find out the **maximum** funds spent annually over the last recent years. Keep in mind, \$200 000 + is being spent on two administrators on paid leave pending investigations.

Many Haudenosaunee believe that federal government money is actually Haudenosaunee money generated from lands and resources managed by the federal government.

Negotiating adequate funding is the trickiest component of transferring education, as AANDC is in a cost-reduction mode, and feels that enough money has been spent in the past for Six Nations to be able to assume control of education. AANDC walked away from negotiations when Six Nations did not accept their offer with SNEC (Six Nations Education Commission).

Records of those negotiations were requested from Archives, but only Council minutes prior to SNEC were found, with little relevance to actual negotiations.

From the most recent **Grants for Student Needs (GSN) Consultation Session** held in Toronto on **December 1, 2015**, with First Nations School Trustees and reps from the Ontario Ministry of Education, it was noted by the Ministry that Ontario has committed to implementing the *Calls to Action of the Truth and Reconciliation Commission Report*. There is also a new guide to funding: 2015-16 Education Funding: A Guide to the Grants for Student Needs (<http://www.edugov.on.ca/eng/funding/1516/2015GSNguidEN.pdf>). On page 11 of the summary report of this session, it is noted that "Tuition agreements are unique and vary to meet local circumstances. There is no 'one size fits all' approach to developing an agreement."

**Recommendation:** Develop a negotiating team of 3-5 individuals, such as the Education Engagement Coordinator, a Six Nations school administrator; a traditional community member; a community lawyer; a Home and School representative; an educational "thought leader"; a person from another community who has been through the process. Members could be acquired through a call out for letters of interest.

*“Comparison of the DIAND Funding Formula For Education with the Saskatchewan Provincial Funding Formula”* was completed by R.J. Kowalchuk, Consulting, March 6, 2013. This report is applicable in many ways to the situation at Six Nations.

Some of their findings:

- To date, DIAND has not established a core funding model for First Nations Education (p. 14)
- P. 15- Shows statistics for a *Community Well Being Score*, which the provincial education system supports with extra funds; Aboriginal communities scores are at least 40 % lower. “Schools need the resources and staff to address the impact that poverty in the community has on student attendance, student achievement and caregiver engagement.”
- P. 16 “Line by line comparison ...used by the province and funding regime policy used by DIAND do not lend themselves well to comparison as they are based on two different funding methodologies.”
- The researchers used the approaches of simple comparison between funding regimes and mean or median per pupil expenditures. “It is clear from the numbers that **First Nation schools are funded at a significantly lower level in: basic instruction, special education, operation and maintenance and student resources.” About 18% lower.**
- P. 18 After calculations and adjustments, the researchers came up with a system to determine an appropriate budget needed to operate an education authority in Saskatchewan; The Ministry report expenditures in excess of \$18 000 per pupil, while DIAND reports the total expenditure on education in Saskatchewan was \$12 159 per pupil ( including New Paths money, Director Services, FNSSP money) ; This does not include funding for governance and administration
- Instructional budgets in the province take up 70-80% of budget, and within First Nations, it accounts for 50-60%.
- P. 20- A List of “cost drivers” - developed by a joint AFN/INAC working group in 2007- instructional services, cultural curriculum, special education, administration, technology, and 7 other line items, as well as indexation, expansion, school size.
- Describes various funding practices found in Saskatchewan

**Recommendation:** A similar study be undertaken for Six Nations to compare level of funding between Six Nations Federal Schools and Grand Erie District School Board. The amounts could be presented to INAC during negotiations.

Another negotiation strategy discussed at Six Nations Education Committee meetings is to begin with a dollar amount (such as \$20 000) per student, and negotiate from there.

It would be beneficial to have actual expenditures that are needed to give weight to the requested funding amount.

There are certainly other educational governance models for funding that can be examined. One in particular is the British Columbia model, which has an umbrella organization to oversee all locally controlled Band run schools, and has a unique funding agreement, including \$15 000 000 in additional funds.

### **8. Responsibilities of Indigenous and Northern Affairs**

In the most recent attempt to transfer education to Six Nations via the Six Nations Education Commission, AANDC walked away from the table, insisting they had already given enough time and funds to Six Nations to prepare. They would not consider further preparation time or more money. Six Nations was not willing to settle for their terms of transfer.

AANDC most recently would not fund KPMG for a comprehensive school review to be undertaken in preparation for transfer.

**INAC needs to be asked what their vision for the future of Six Nations is.**

It is time for Six Nations Elected Council to take control of the situation. In light of

- The Truth and Reconciliation Recommendations
- The Council of Ministers of Education, Canada (July 2015) Recommendations
- Our traditional Treaty and Wampum agreements, specifically the Covenant Chain, Two Row Wampum, and the Haldimand Treaty
- The most recent School Review of Six Nations Federal Schools (Donna Cona)
- AANDC's most recent School Evaluation of Elementary/Secondary Education Programs on Reserve (June, 2012), wherein AANDC is recommended to develop a strategic and transparent framework for the investment of new funds; undertake research for funding allocation methodologies that are equitable to provincial approaches, while at the same time accounting for cost realities on reserve; plus about 15 other recommendations that AANDC should be held accountable to.

Does Six Nations continue to accept limited and/or unknown budgeting and procedures, malfunctioning school buildings, hiring procedures not conducive to hiring First Nations teachers, etc? Or does Six Nations deserve better?

A school evaluation such as the most recent rejected (KPMG) as well as formal school inspections (Labour Canada or First Nations Technical Institute) would reveal huge deficiencies and discrepancies that cannot be ignored.

It is time that Indigenous and Northern Affairs Canada invest the time, effort and funds into making real, sustained, authentic improvements in the education Six Nations students receive and that our students, parents and community deserve.

***Recommendation:*** A copy of this final report be sent to/shared with Ms. Carolyn Bennett, Minister of Indigenous and Northern Affairs.

A copy of this final report be presented to the Director of Education, Manager of Federal Schools, and Advisor to the Director, INAC.



*Report on First Nations Governance  
over Education  
Reclaiming the Circle of Learning  
#6*

**Community Level**  
youth, parents,  
grandparents  
oversee the  
administration  
&  
operation

**Regional Level**  
Board of Education  
working with  
First Nations Education Councils  
designing cultural  
curriculum, assessment  
school and teacher accountability  
professional development



**National Level**  
Represent First Nations Interests  
in National  
&  
international forums

**Provincial Level**  
Setting Provincial direction/  
legislation, regulations and policy.  
Liaison/ non-Aboriginal ed. institutes  
Long term financial planning /funding



### **Six Nations Education Engagement Strategy Summary**

The following are recommended strategies (education plan) if elementary education is recovered and transferred to community management and control. The options from the 1980's remain constant to 2015- a) keep status quo with Indigenous Affairs managing Six Nations Education b) management of Six Nations Education under a third party, such as Grand Erie District School Board c) Transfer the complete recovery and management of Six Nations Education to a Six Nations School Board/Entity/Authority not yet developed.

From the research completed and the wise words of Mr. M. King who has experienced transfer to local control, the recommendation is, **if Indigenous and Northern Affairs is interested in engaging in the steps outlined in this report, then Six Nations should seriously but cautiously consider assuming the responsibility of managing our own education system.**

**Time Line- 5 years to complete the recovery - beginning as soon as funds are secured from some source to hire an Education Engagement Coordinator.**

### **Steps for the Education Engagement Strategy**

Many of these strategies will occur concurrently.

1) **Building Organizational Capacity-** This should **be done immediately** when funds allow. Designate a *Six Nations Education Engagement Coordinator* from the pool of current principals and vice principals, or a call out to all community members, to undertake the project of assuming the responsibility for education. Allow the non-council members of the Education Committee to have a greater role in this decision. Create a list of the positive outcomes expected with the recovery of education to Six Nations.

2) **Build rationale for transferring education-** Use a process, model or template to create rationale, goals and vision for assuming the recovery and transfer of education. This should include traditional knowledge, such as the four gifts, or a meaningful, thoughtful phrase, such as **“Return to a Life in Balance through Education”**. Select the terminology to use. Also use our traditional knowledge such as The Covenant Chain Wampum and Two Row Wampum. Symbolism is powerful and signifies who we are as Haudenosaunee people.

3) **Facilities Review-** What is the condition of the schools and how will the improvements and repairs be funded? Involve School Health and Safety Committees, Health Canada, Home and Schools, Principals Advisory Committee (PAC), Ontario First Nations Technical Services. Hold INAC accountable for the structural soundness of the facilities before further transfer talks get under way. Use their own *National First Nations Infrastructure Investment Plan 2014-2015* to get the talks underway.

4) **Staffing-** Have a five year plan to transition teaching staff to being hired by and salaried by a Six Nations Education entity. Union issues will be dealt with through the direction of the

teaching body as the staff sees fit- they may vote for a union or they may not. Supply teacher budget should be the last cost assumed by the Education entity.

5) **Community Focus-** This should be one of the first agenda items undertaken. Prepare a **Community Education Engagement Series** with presentations by various educational and traditional experts. This could be done twice a week for 3 weeks following topics suggested in this report, or others as they are developed. This could be done before or after the Education Engagement Coordinator is hired, depending on timing.

6) **Design and Create a Board/Authority-** Use the ideas from the Community Education Engagement Session and/or have the Principals Advisory Committee develop a vision for this. Home and Schools and staff could be involved. Alternately, a call out for interested community members, with applicants screened by non-council members of the Six Nations Education Committee and the Education Engagement Coordinator.

7) **Negotiations-** Develop a team of 3-5 individuals, ideally from an interim school board if in existence (or working committee; title not clear at this time), one being a legal representative from Six Nations. If possible, replicate the study referenced on page 100 of this report, “Comparison of the DIAND Funding Formula for Education with the Saskatchewan Provincial Funding Formula”, completed by R.J.Dowalchuck, Consulting. Have the negotiating team examine the AANDC funding regimes for a best fit, as well as other funding agreements, such as in British Columbia, or eventually create a treaty agreement.

There should be a comprehensive School Review completed by AANDC, as they claim that they are responsible to complete this every 3 years. Involve Labour Canada or First Nations Technical Institute.

8) **Responsibilities of Indigenous and Northern Affairs-** Share this report with the Minister of Indigenous Affairs and the Director of Education, INAC. In the most recent attempt at transferring education to Six Nations, AANDC walked away from the table, feeling that enough time, money and effort had been channelled to Six Nations for the successful transfer of education. This is no longer an option. It is time for Six Nations to hold INAC responsible and accountable for the funding needed to run a quality First Nations education system at Six Nations. INAC needs to put their affairs in order (funding regimes and budgets, policies, infrastructure, data and information), so that Six Nations can enter into a dialogue that may lead to an authentic, respectful discussion as to the initial stages required to transfer education. In particular, INAC must be responsive to the recommendation of their own reviews, of the Truth and Reconciliation Calls to Action, and of the recommendations of the Ministers of Education, Canada.

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Appendices See as attachments on this usb

Phase One Power Point: Summary and Questions

Phase Two Power Point: Contemporary Research

