



ONTARIO EDUCATION SERVICES CORPORATION

## Professional Development Program for School Board Trustees

Modules

# 16 First Nation Trustees: Leading in Two Worlds

## HISTORY OF FIRST NATION EDUCATION IN CANADA

The following summary provides an overview of key elements of the history of First Nation Education. The information in this section is drawn from the Education Services (Tuition) Agreement Guide – A Resource for Ontario School Boards and First Nations, a document created as a collaboration of the Ministry of Education, Chiefs of Ontario’s First Nation Education Coordination Unit, Aboriginal Affairs and Northern Development Canada and the four District School Board Associations. The resource guide was designed to assist district school boards and First Nation communities in discussions regarding tuition agreements, and incorporated discussions and evaluative feedback received from sessions held across Ontario in 2011. The guide was distributed in September 2013.

### First Nations’ Perspectives

Prior to contact from the European settlers, our Nations - the Anishinaabek, Mushkegowuk, and Onkwehonwe Peoples - thrived in what is now known as the province of Ontario. These Nations have existed on Turtle Island (North America) since time immemorial, with distinct laws and governance systems, language, culture, territories, economic systems, a defined Peoples (citizenship), history and social structures.

The First Nation Historical Time Circle provides a relevant backdrop to understand the reality of First Nations education in Ontario, and Canada. The Time Circle illustrates how the nation-to-nation relationship existing at the time of the early Treaties between First Nations and the Crown changed over time with regard to education to become paternalistic in nature. It also shows that First Nations have remained ever focused on returning to the original nature of the relationship. This has been a long and winding road for First Nations, but it is one that First Nations feel is worthy of their time and effort. Travel on this road will ensure First Nation education is culturally and linguistically-based, adequately funded and will foster the strong identities needed to nurture the generations to come.

### Historical Context

In 1867, section 91 (24) of the British North America Act (now the Constitution Act, 1982) assigned overall responsibility for First Nations people and lands to the federal government. At the same time, responsibility for education was assigned to the provinces under section 93. The education of First Nations people who live in First Nation communities (on-reserve) remained within the domain of the federal government.

## Canadian Legislation - Historical Reference

This division of powers remained intact after the repatriation of the constitution in 1982 in the form of the Constitution Act. Section 25 of the Act, which is within the Charter of Rights and Freedoms affirms existing treaty and land claim agreements. Further affirmation of aboriginal rights in Canada is included in section 35 of the Constitution Act, 1982.

The Indian Act, R.S.C. 1985, C.I-5, specifically, Section 4(3) defines the application limits of the Act to those First Nation people who live on reserves or Crown lands. The basis for this guarantee is the Constitution Act's Section 25 affirmation of pre-existing treaties and Royal Proclamation 1763 rights.

## Treaties and Deeds

Treaties were made to establish how Nations could co-exist, and granted rights and permission to the settlers. Treaties are agreements made between First Nations and the Crown, the spirit and intent of which determines how the lands and resources are to be shared. Treaties also outline responsibilities in areas such as education and health.

In forging treaty relationships, the First Nations and the Crown created mutually binding obligations that were to be solemnly respected. To the Crown, the treaties were instrumental in acquiring what they saw as extensive and valuable assets, land and resources that benefit the population of Ontario and Canada today. To the First Nations, the treaties were sacred, living documents that affirmed their sovereignty, and set down a basis to share the existing natural resources in a peaceful and everlasting way.

## First Nations' Vision for Education

First Nations in Ontario are committed to working toward the goals of developing culture-based, academically solid, learner-focused, equitable education systems under First Nations control. These goals were the driving force behind the 1972 policy document Indian Control of Indian Education (ICIE) and the updated version of this document First Nation Control of First Nation Education 2010 (FNCFNE). Even though ICIE was affirmed by then Minister of Indian Affairs, Jean Chrétien in 1973, the policy has never been supported in a meaningful manner. First Nations people maintain that the underlying principles of ICIE, still apply in 2010 as they did in 1972. The updated policy framework, FNCFNE, reflects current challenges and changes in education. The vision statement of the policy framework states "First Nations lifelong learning is a process of nurturing First Nations learners in linguistically and culturally-appropriate holistic learning environments that meet the individual and collective needs of First Nations and ensures that all First Nations learners have the opportunity to achieve their personal aspirations within comprehensive lifelong learning systems."

The objectives of the FNCFNE policy framework are to:

1. Ensure First Nation lifelong learners have access to an education system with programs and services grounded in First Nations languages, values, traditions and knowledge.
2. Build and sustain First Nation capacity and institutional development so as to deliver a wide spectrum of quality programs and services across the learning continuum.
3. Implement First Nations control of First Nations education.

First Nations peoples understand that learning is a formal and informal instinctive and experiential lifelong journey, encompassing early childhood learning, elementary and secondary school, career, vocational and technical training, post-secondary education and adult learning.

First Nations view is that the primary role of holistically balanced First Nations learning systems is to transmit First Nations ancestral languages, traditions, cultures and histories, while at the same time preparing and making accessible to the learner, the support and tools that will allow them to achieve their full individual potential in any setting they choose. Secure in the knowledge that lifelong learning is an inherent and treaty right, First Nations peoples understand that this lifelong journey is built upon experiences that embrace both Indigenous and mainstream western knowledge systems.

**Note**

Also see: The Royal Commission Report on Aboriginal Peoples:

“...the past is more than something to be recalled and debated intellectually. It has important contemporary and practical implications, because many of the attitudes, institutions and practices that took shape in the past significantly influence and constrain the present”. [http://www.collectionscanada.gc.ca/webarchives/20071115053257/http://www.ainc-inac.gc.ca/ch/rcap/sg/sgmm\\_e.html](http://www.collectionscanada.gc.ca/webarchives/20071115053257/http://www.ainc-inac.gc.ca/ch/rcap/sg/sgmm_e.html)

# First Nation Education Historical Time Circle

Today, the development of the current political framework for the negotiation of tuition agreements places the emphasis on First Nations to develop their own goals for the education of their youth.

**July, 2010:** First Nation Control of First Nation Education released by the Assembly of First Nations (AFN). Emphasis is on Reconciliation – of FN rights within education acts across Canada; Education Guarantee; Sustainability; Systems and Support; and Partnership.

**June 11, 2008:** Federal Statement of Apology regarding Residential Schools

**December 1991:** Canada ratifies the United Nations Convention on the Rights of the Child (UNCRC)

**1991:** The MacPherson Report on Tradition and Education: Towards a Vision of Our Future, expressed support for the recommendations made in the AFN's paper "Tradition and Education" regarding a complete transfer of authority of native education to the First Nations through constitutional reform and the development of a national First Nation education law.

**1982:** Canada's Constitutional Act, Section 35, recognizes and affirms existing Aboriginal and treaty rights.

**1970s:** - The beginning of the Tuition Agreement process to which the federal government and school board were the only negotiating parties, also meant the beginning of integration of First Nation students into publicly-funded provincial schools.

**1972:** The First Nation response was the release of "Indian Control of Indian Education" by the Assembly of First Nations (AFN) predecessor, the National Indian Brotherhood, ultimately calling for Indian jurisdiction over their own education and direction of reforms in this area.

**1969:** The release of the White Paper, the federal position "Statement of the Government of Canada on Indian Policy" was met with great opposition by the First Nations. This paper proposed virtual abdication of federal responsibility [for education] to the provinces and territories

**November 12, 2010:** Canada endorses the United Nations Declaration on the Rights of Indigenous People (UNDRIP)

**1763:** Royal Proclamation of October, 1763 is signed. This document explicitly recognizes aboriginal title; aboriginal land ownership and authority are recognized by the Crown as continuing under British sovereignty. It states that only the Crown could acquire lands from First Nations and only by treaty. By the 1850s major treaties are signed with First Nations east of the Rocky Mountains.

**1867:** Canada is created under the terms of the British North America Act.

**1876:** The Indian Act is established. It influences all aspect of a First Nations person's life from birth to death. Indian Bands were created and Indian Agents became the intermediaries between First Nations people and the rest of the country.

**1867 to 1950:** The Indian Residential School system was funded by the federal government. Although the quality of education within the school varied, the effect on the First Nation population in Canada has been predominantly negative.

**1950s & 1960s:** The federal policy for cultural integration by placing First Nation students into publicly -funded schools;

