



Assembly of First Nations

**Submission to the House of Commons Standing Committee on
Indigenous and Northern Affairs (INAN)**

**RE: Improving Graduation Rates and Successful Outcomes for
Indigenous Students**

March 27, 2023

Introduction:

First Nations students have the inherent and Treaty right to receive education that is in accordance with their culture, values, traditions and languages and that is free of prejudice and discrimination. Quality and culturally appropriate education is a cornerstone to the preservation and vitality of First Nations societies. First Nations students require special measures in order to enjoy their right to education on an equal footing with other Canadian students. This includes the right to equitable funding that meets their specific needs and circumstances.

Across the spectrum of K-12 learning, post-secondary education (PSE), and education infrastructure, greater financial support and substantial policy reform is still required to close the education gap and improve graduation rates for First Nations students.

The history of colonization, residential institutions, the Sixties Scoop, and the imposition of federal and provincial laws and policies have had devastating consequences on First Nations children and families, their languages, education, and social structures.

In 1972, First Nations control and the commitment to assume full responsibility for First Nations education was reiterated in *Indian Control of Indian Education*. This transformative policy paper advocated for Band Councils and First Nations parents to assume full control over First Nations education and called for an immediate reform in federal government policy concerning responsibility, programs, teachers, and facilities. This call for local control is still needed today as “decisions on the education of Indian children have been made by anyone and everyone, except Indian parents” remains true, despite progress in the last five years.¹

In 2010, First Nations-in-Assembly endorsed the updated policy paper now known as *First Nations Control of First Nations Education (FNCFNE)*. Similarly to the original calls, FNCFNE acknowledges the challenges in First Nations education and reinforces the need for restoration of First Nations governance, cultural, linguistic, economic and social traditions in education.²

Despite facing generational graduation deterrents, First Nations across the country remain resilient and committed to assert their jurisdiction and control through their education systems. Since the introduction of Regional Education Agreements (REA) in 2019, nine transformative education agreements have been signed which include almost 30% of the First Nations in Canada. These figures are expected to grow with an estimated 50 First Nations currently engaging in activities to develop REAs. With greater control and funding for First Nations students, it is anticipated that agreement holders see increases in graduation rates and better student outcomes as students receive more equitable education.

¹ National Indian Brotherhood (1972), *Indian Control of Indian Education*, <https://oneca.com/IndianControlofIndianEducation.pdf>.

² Assembly of First Nations (2010), *First Nations Control of First Nations Education*, https://www.afn.ca/uploads/files/education/3.2010_july_afn_first_nations_control_of_first_nations_education_final_eng.pdf.

Co-Development of First Nations Education Reform

The Assembly of First Nations (AFN), Chiefs Committee on Education (CCOE) and National Indian Education Council (NIEC) have played a critical role in improving and supporting First Nations education reform and successful outcomes for First Nations students. In July 2016, First Nations-in-Assembly passed AFN Resolution 16/2016 *Honourable Process to Develop Recommendations to Support First Nations Education Reform*, by consensus to enter into an honourable process with Canada and develop recommendations to support First Nations education reform. Following the resolution, the AFN, CCOE and NIEC established a Terms of Reference to engage in the development of new funding mechanisms for First Nations elementary-secondary education. This process guided the co-development of the *Policy Proposal: Transforming First Nations Elementary and Secondary Education* between the AFN, CCOE, NIEC, and Indigenous and Northern Affairs Canada.

In January 2019, the Minister of Indigenous Services Canada (ISC) and National Chief of the AFN formally announced a new, co-developed policy and funding approach for First Nations students that was based on a First Nations driven regional funding process. This regional funding approach allows First Nations to negotiate transformative education agreements that address the unique needs students face in their communities and promote student success as determined by the First Nation.

Similarly to elementary and secondary education, the AFN has received historical mandates to improve PSE. AFN Resolution 21/2020, *First Nations-Led Local, Regional and Treaty-based Post-Secondary Education Models*, directed the CCOE, NIEC and AFN to work in partnership with ISC to co-develop a policy proposal to supplement a Memorandum to Cabinet which sought to create authorities for First Nations to negotiate and conclude PSE models.

First Nations Education Rights

Respect and recognition of First Nations Rights is necessary for improving graduation rates and student outcomes. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and the corresponding Act in Canada affirm Indigenous education rights and the rights of Indigenous Peoples to develop priorities and strategies for programs affecting them.³ Canada's UN Declaration Action Plan commits to supporting self-determined education approaches at many levels, including the conclusion of Regional Education Agreements to close the education gap.⁴

³ *United Nations Declaration on the Rights of Indigenous Peoples*, A/Res/61/295, UN General Assembly, 2 October 2007.

⁴ Department of Justice Canada (2023), *Draft UNDA Action Plan*, https://www.justice.gc.ca/eng/declaration/ap-pa/ah/pdf/UNDA_Draft_Action_Plan.pdf.

First Nations hold Treaty, Inherent and Constitutional Rights (Section 35) to education, including languages, education infrastructure and PSE.

Kindergarten to Grade 12

- **Recommendation:** Provide support to First Nations to develop system infrastructures, processes for data management, and success indicators that are specific to First Nation agreements.
- **Recommendation:** In the next five years, increase funding by \$3.52 billion for education agreements that provide greater jurisdiction and self-determination for First Nations.

Over the last 100 years, the Government of Canada has unilaterally failed to adequately fund and support First Nations education in a manner consistent with First Nations Treaty and Inherent Rights. Pivoting from this century old approach into transformative education agreements will not suddenly produce significantly greater outcomes for students from coast to coast to coast. More investments are required to ensure all First Nations have the ability to negotiate and conclude education agreements that improve their self-determination and education services for students.

Since the implementation of REAs and as First Nations gain greater control over their education systems, First Nations on-reserve have seen progress in high school attainment. According to the 2021 Census, in the past five years, there has been a 10% increase in high school attainment on-reserve.⁵ Despite these increases, when comparing First Nations graduation rates to non-Indigenous Canadians, there is still a clear education gap. First Nations high school attainment rates indicate that 58% of First Nations young adults aged 20 to 24 living on-reserve had a high-school certificate or equivalent, compared to 93% of non-Indigenous Canadians.⁶

Based on funding increases from those who have obtained REAs and gaps identified in funding formulas for operations and maintenance, transportation, and other areas, it is estimated that \$3.52 billion is required for First Nations to conclude and negotiate equitable agreements. Furthermore, First Nations will not sign agreements that do not fully address their funding needs, resulting in programming that is not conducive to increased graduation rates.

Measuring the effectiveness of REAs and the impact they have on graduation rates should be considered a long-term goal. All REAs remain in their infancy since they were formally announced in 2019 and all agreement holders faced unprecedented pressures from the COVID-19 pandemic.

⁵ Statistics Canada (2022), *2021 Census of Population Table*, 98-10-0423-01, <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=9810042301>.

⁶ Statistics Canada (2022), *2021 Census of Population Table*, 98-10-0423-01, <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=9810042301>.

The measurement of First Nations graduation rates and student success has previously been criticized for lacking accuracy and the inability to identify the true education gap as noted in the 2018 Auditor General Report.⁷ In response, ISC has unilaterally generated new baseline data to support a cohort analysis and create a new methodology to address the recommendations provided by the Auditor General.⁸ Reporting clear and accurate information to Canadians and parliamentarians may be a government obligation but should not infringe on First Nations data sovereignty. Furthermore, Canada has a fiduciary obligation to provide equitable funding to First Nations for education that meets their specific needs and circumstances which is not dependent on overbearing reporting requirements.

Measuring student success and creating capacity for First Nations to analyze their data is a critical component for planning and improving learning outcomes. The development of these indicators must be led by First Nations as they are accountable for their own students' successes.

Education Infrastructure

- **Recommendation:** Amend REA authorities to include education infrastructure capital.
- **Recommendation:** Increase funding by **\$4.7 billion** over five years to replace aging First Nations schools, alleviate overcrowding, and provide adequate housing for teachers.

The state of First Nations education infrastructure will remain a clear deterrent to improving graduation rates unless drastic funding and process reform is achieved. Students in poor school buildings have been found to score between 5 and 10 percentile points lower than students in functional buildings on academic tests after controlling for socioeconomic status.⁹

The condition of First Nations schools have been well documented with 202 First Nations schools being currently overcrowded, equal to half of the First Nations schools in Canada.¹⁰ In addition to overcrowded schools, there is a total of 56 that require immediate replacement based on reported poor conditions or facility age. Infrastructure conditions and shortages also force 54% of First Nations students to leave their community to achieve a high school diploma.¹¹ As most students seek diplomas outside

⁷ Auditor General of Canada (2018), *Report 5 – Socio-economic Gaps on First Nations Reserves – Indigenous Services Canada*, https://www.oag-bvg.gc.ca/internet/English/parl_oag_201805_05_e_43037.html#p98.

⁸ Indigenous Services Canada (2022), *Departmental Results Report 2021 to 2022*, <https://www.sac-isc.gc.ca/eng/1660052942569/1660052961348>

⁹ Glen Earthman (2004), *Prioritization of 31 Criteria for School Building Adequacy*. Baltimore, MD: ACLU .

¹⁰ AFN (2022), *First Nations Education Infrastructure Research Collection*, <https://www.afn.ca/policy-sectors/education/education-infrastructure/afn-first-nations-education-infrastructure-research-collection-2022/>.

¹¹ AFN (2020), *First Nations Education Infrastructure Fact Sheet*, <https://www.afn.ca/education-infrastructure-fact-sheet-final-english/>.

of their community, they are faced with systemic racism in provincial schools that are not equipped to provide any sort of cultural or language needs for First Nations learners.

Decades of underfunding for education infrastructure have resulted in First Nations education infrastructure assets being in disrepair and not being utilized to their intended lifespan. The AFN *First Nations Education Infrastructure Research Collection* estimates that \$4.7 billion is required over the next five years for renovations, new construction and planning.¹²

REAs do not allow for First Nations to include education infrastructure which creates a gap in programming and learning environments. There are a small but successful number of First Nations education agreements in Canada that contain capital and education infrastructure service delivery components including, Mi'kmaw Kina'matnewey, who control infrastructure capital for most on-reserve schools in Nova Scotia. The inclusion of education infrastructure into REAs should be implemented to ensure all First Nations can build and maintain their community education assets.

Post Secondary Education

➤ **Recommendation:** Provide immediate investments for First Nations to develop and implement local, regional, and Treaty-based PSE models.

First Nations face ongoing challenges in administering and supporting post-secondary students and institutions. In 2019, First Nations began a three-year engagement process to develop PSE models that would provide adequate, predictable, sustainable and equitable funding for their PSE students. After concluding this process, the Government of Canada provided no additional funding or recognition of that national engagement in the 2022 Budget. These models would provide tailored support for First Nations students to succeed in PSE and address the unique needs that exist in communities across the country.

Despite inflation, population growth, and increased secondary school graduation rates, funding for First Nations post-secondary students has not caught up to the needs with only 25,000 students being supported every year since 1996.¹³ Bolstering investments to close the education gap for First Nations in PSE provides enormous benefits, including First Nations GDP rising by \$30 billion and First Nations employment increasing by over 100,000 additional jobs.¹⁴

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¹² AFN (2022), *First Nations Education Infrastructure Research Collection*, <https://www.afn.ca/policy-sectors/education/education-infrastructure/afn-first-nations-education-infrastructure-research-collection-2022/>.

¹³ AFN (2021), *First Nations Post-Secondary Education Policy Proposal*, <https://www.afn.ca/wp-content/uploads/2021/12/2.-First-Nations-PSE-Policy-Proposal-EN.pdf>.

¹⁴ Assembly of First Nations (2022). *Closing the First Nations Education Gap in Canada: Assessing Progress and Estimating the Economic Benefits – An Update*. Page 11.

The AFN is a national advocacy organization that works to advance the collective aspirations of First Nations individuals and communities across Canada on matters of national or international nature and concern. The AFN receives mandates and directives for the organization through resolutions directed and supported by the First Nations-in-Assembly (elected Chiefs or proxies from member First Nations). In addition to the direction provided by Chiefs of each member First Nation, the AFN is guided by an Executive Committee consisting of an elected National Chief and Regional Chiefs from each province and territory.

AFN Education Resolutions

The AFN has consistently advocated for increased jurisdiction and self-determination in First Nations education since its inception in 1970. Recent mandates from First Nations-in-Assembly on education transformation include:

- Resolution 16/2016, *Honourable Process to Develop Recommendations to Support First Nations Education Reform*
- Resolution 65/2017, *New Interim Funding Approach for First Nation Education*
- Resolution 35/2019, *Additional Funding for First Nations Elementary and Secondary Education*
- Resolution 34/2019, *First Nations Education Infrastructure Review*
- Resolution 21/2020, *First Nations-Led Local, Regional and Treaty-based Post-Secondary Education Models*
- Resolution 20/2021, *First Nations Control of Federal Funding in Education*