

# 2

## A Short History of Aboriginal Education in Canada

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### Introduction

In this chapter we trace the development of European-led “education” of Aboriginal peoples in Canada from the establishment of New France where the Récollets, and later the Jesuits, engaged in attempts to assimilate the First Peoples into French culture, through the British shift from partnership to integration and finally through the twentieth century where remarkably similar tactics continued. The sweep of history is only briefly explored, but we can see that the more policy changed the more it reverted to being much the same.

### Education in New France

The first known educational institutions for Indigenous youth were established near Quebec by the Récollet missionaries in 1620. The French policy on Indigenous education at the time has been referred to as “[f]rancization,” which was based on the Récollets’ belief that Indigenous peoples needed to be turned into “Frenchmen” before they could be converted to Christianity (Jaenen 1986). A thoroughly French education was thus required. To this end, the Récollets would single out Indigenous boys for schooling, educating them at the seminary or sending them to France where they could be fully immersed in French culture and language. It was assumed that these students would then return to their communities and form part of an Indigenous elite that could assist in Christianizing the rest of the population (Jaenen 1986). However, the Récollets were largely unsuccessful. They were never able to attract large numbers of students to their seminary or to France, due largely to parents being unwilling to part with their children for extended periods of time. In 1629 the English captured Quebec, and the Récollets along with the Jesuits, who had arrived in New France by this time, were forced to leave the colony. When Quebec was returned to France in 1632, it was the Jesuits who were given a monopoly over missionary activity (Magnuson 1992).

The Jesuits initially adopted quite a different approach to the education of Indigenous peoples than that taken by the Récollets. Rather than instructing only a few students in separate, thoroughly French educational institutions, the Jesuits focused on delivering education within Indigenous villages and in Indigenous languages. The focus of instruction was on Christian doctrine rather than on French language and customs. However, by the mid-1630’s the missionaries

began to feel that the greatest impediment to the Christianization of the Indigenous peoples was their nomadic lifestyle. Thus, the Jesuits concluded that rendering the Indians sedentary was an important step in conversion to Christianity. A plan was devised that involved establishing permanent settlements for the Indians near French settlements, where the missionaries could be in constant contact with the tribes and the Indians<sup>1</sup> could become accustomed with the French language and way of life. The first settlement, the Sillery habitation, was established in 1637 near Quebec (Magnuson 1992). While these early “reserves” did not have formal schools, missionaries would conduct instruction in various places around the settlements. In addition to Christian training, education was largely of a practical nature, focusing on teaching the Indigenous peoples agricultural practices with the goal of transforming them into self-sufficient farmers.

While the attached settlements were somewhat successful in winning Christian converts, they experienced less success in encouraging the Natives to take on a French way of life. The reserves were also plagued by disease and social and economic problems. Thus, despite initial success, most of the reserves experienced sharp population decline leading many, like the Sillery reserve, to fade into non-existence (Magnuson 1992). By this time, the Jesuits had already begun to shift their emphasis, focusing on residential or boarding schools in French towns as the primary means of delivering education to the Native population (Jaenen 1986).

Residential schools were seen by the French as an attractive option for educating Indigenous youth, as the children could be removed from the influence of their parents and fully acculturated into the French way of life. Attracting and retaining students to attend residential institutions, however, proved to be a difficult task. Parents were often apprehensive about allowing their children to live among the French, and children who were sent to attend residential institutions would often run away. The schools were also expensive to run, as the communities and parents who offered their children to the Jesuits for instruction expected gifts and continued material assistance for doing so, and the children attending the institutions needed to be housed and fed (Jaenen 1986). For these reasons, day schools were also in operation, with the day school pupils always outnumbering those in residential institutions.

French teaching and instruction styles, which involved treating the students like adults, using strict discipline, fostering competitiveness, and emphasizing recitations and examinations, were largely incompatible with the traditional education of Native students. Students resisted and refused to cooperate, and the French found that those who were successfully educated and Christianized were ineffective at preaching the word to their people (Miller, 1996). One Ursuline sister, Mother Marie de l’Incarnation commented that “out of a hundred that have passed through our hands scarcely have we civilized one” (as quoted in Jaenen 1986, 58).

Around 1668, after the elevation of New France to a Royal Colony, there was renewed pressure from the French government to use boarding institutions to educate and ultimately assimilate Indian youth. The French administration saw the conversion of Natives into Frenchmen as a means of securing and populating their colony in the New World without depopulating Old France. Seen to be failing in this regard, the Jesuits were accused by the Crown of not working effectively towards teaching the Indians French customs and language. However, what the French administration did not realize was that the Jesuits had attempted to convert the Indian peoples to French ways, but had found this approach wanting. The Ursalines, brought to New France to educate Indigenous girls, supported the Jesuits stating that acculturation had not been successful due to the “tenacity of the Indigenous culture” (Magnuson 1992, 61). In addition to the difficulty of “Frenchifying” the Indigenous peoples, it began to be clear that assimilation made little sense for the fur traders and the military who found the Indigenous peoples to be essential to the fur trade and strong military allies just as they were. Thus in 1685, the governor of New France stated that the policy of Frenchification was not working and called on the Crown to alter their policy. By the end of the century, assimilative residential schools for educating Indian youth had been largely abandoned and few Indian children were attending French schools (Miller 1996).

## **Pre-Confederation in British North America: Assimilative Segregation for Integration**

Prior to the War of 1812, the British were not concerned with assimilating Indigenous peoples, as their knowledge and skills were useful to the British in their roles as military allies and as essential partners in the fur trade. Maintaining these partnerships was of the utmost concern. After the War of 1812, however, with hostilities subsiding and the fur trade on the decline, the Indigenous population began to be seen as an impediment to European settlement. It was at this time that there began to be a shift in focus from maintaining Natives as allies, to, in the words of a former secretary of state for the colonies, “reclaiming the Indians from a state of barbarism and introducing amongst them the industrious and peaceful habits of civilized life” (as quoted in Wilson 1986, 66).

Reflecting this shift in thinking, responsibility for Indigenous peoples was formally transferred from military to civilian authorities in 1830. Civilian authorities quickly adopted a new Indian policy that was based on “civilizing” the Indigenous peoples through education. While there had been educational institutions established in British North America prior to this change in policy, these institutions were run entirely by church organizations without assistance from the Crown (Chalmers 1972). After 1830, however, the colonial government began to take an express interest in the establishment and operation of schools for Native peoples and numerous new schools were opened. The operation of the schools was

largely left in the hands of missionary organizations, and the costs for building and running schools was shared between the colonial government, missionary groups, and the Indigenous peoples themselves (Nock 1988).

As part of the new policy of civilizing and assimilating the Native population, efforts were first made to establish reserve lands on which the Indigenous peoples could settle. Similar to earlier attempts by the French, the hope was that the Indigenous peoples would abandon their nomadic lifestyles and become sedentary farmers, adopting a European way of life. Schools were established on the reserves to provide rudimentary education and Christian teachings. The reserves proved to be a failure, however, after a number of the first experiments were unable to retain a sizable Indigenous population (Miller 1996).

By the mid-1840's, realizing that the traditional livelihood of Indigenous peoples had been eroded due to the rapid expansion of British settlement, the government shifted its focus to manual labour schools, as recommended by the Bagot Commission in 1844. In addition to Christian training, these schools were to teach Indigenous peoples practical skills that could help them to survive in the "White man's world" while promoting assimilation. According to Captain Anderson, a superintendent of Indian Affairs, by attending manual labour schools Indigenous children were to "forget their Indian habits, and be instructed in all the necessary arts of civilized life, and become one with [their] White brethren" (as quoted in Wilson 1986, 72). Boys would be taught trades such as carpentry, shoemaking, and blacksmithing, while the girls would learn domestic skills such as sewing and knitting. That the proposed industrial schools were to be large and centrally located was seen to have the added advantage of removing students from the influence of their families.

In 1846 the colonial administration met with various "chiefs" in Orillia, Ontario, to persuade them to accept the government's plans to establish manual labour schools for the education of Indigenous children and to settle larger, permanent areas around the schools. The Indigenous bands were to put one fourth of the annuities they received from the government towards supporting the educational institutions. Despite some objections to their relocation into concentrated settlements and to the Christian nature of the schools, the assembled chiefs ultimately gave their support to the proposed plan. Many of supporters, however, hoped that the schools would eventually be run by their own people (Miller 1996).

While numerous manual labour schools were opened in the decades following the commission, they quickly lost the support of the Indigenous peoples. An 1856 Special Commissioner's report on Indian Affairs found that authorities were having difficulty persuading Ojibwa parents to send their children to manual labour schools on the Sarnia reserve, and less than half of the potential school population was attending school on the Six Nations reserve on the Grand River. The report came to the conclusion that "this benevolent experiment has been to a great extent a failure," and the focus began to shift to day schools (as quoted in Miller 1996).

## Confederation to World War II: Assimilation, Segregation, and Separation

Under the *British North American Act* of 1867, all aspects of Indian affairs became the responsibility of the Canadian federal government. This included education, which had been promised in the various treaties signed for the surrender of Indian lands. While the treaties generally promised day schools on-reserve, problems with attendance and the perception that day schools were ineffective in assimilating Indigenous peoples led to a search for alternatives (Miller 1996). After the establishment of the *Indian Act* in 1876, member of parliament Nicholas Flood Davin was assigned the task of investigating the United States' use of residential schools for educating American Indians to see whether this would be a suitable model for Canada. In his 1879 report, Davin recommended that similar institutions be established in Western Canada (Haig-Brown 1988). Although the federal government was responsible for Indian education, the administration of the schools was to be delegated to the various church missions that were already engaged in the venture. Thus, unlike provincial schools at the time, schools for Indigenous children were to be denominational and, wherever possible, existing mission schools were to be used. While Davin also recommended that the schools both employ and teach Métis peoples, who he saw as the "natural mediator between the Government and the red man," the government insisted that it would only provide funds for the education of Status Indians and there are no records of attempts to recruit Métis staff (Miller 1996, 101).

Similar to the earlier experiences with manual labour schools and with boarding institutions in New France, recruitment and retention of Indigenous children at the residential schools became a key issue. In 1893 the government, looking to cut costs, instituted a per capita school funding system that shifted more of the financial burden for schooling onto missionary organizations and students. Maintaining maximum enrolment became of utmost concern for missionary groups, while at the same time, inadequate financial resources led to poorer school conditions, which made the residential institutions less attractive to Indigenous families. In order to counter declining enrolments and ensure steadier funding, missionary groups pressured the government to make school attendance mandatory. Heeding their concerns, the *Indian Act* was amended in 1894 to make school attendance at a day, boarding, or industrial school compulsory for ten months of the year for all Indigenous children over age 6 (Grant 1996).

By the turn of the century serious concerns were being raised about the health and safety of students attending the schools. Diseases such as tuberculosis ran rampant and mortality rates were alarmingly high. A 1907 report from the department's chief medical officer stated that the death rate due to tuberculosis among Indigenous students in the West was 24% and Duncan Campbell Scott, the deputy superintendent general of Indian Affairs, conceded that about half of the children who attended boarding institutions did not live to benefit from the education they

received (Miller 1996, 133). For those students who did survive their years in boarding establishments, the education they received was minimal at best. The schooling often focused more on religious indoctrination and manual labour than on academic knowledge. When students left the schools they were ill-equipped to compete for jobs in the “White man’s world,” and were alienated from their own societies (Chalmers, 1972).

In 1910, concerned with the high costs associated with educating Indigenous youth and the failure of educational institutions to transform students into successful members of the dominant society, the government again shifted its educational policy. Abandoning the prior focus on preparing Indigenous students for life in White society, the new objective was to prepare students for life on the reserve, marking a policy shift from integration to segregation (Miller, 1996). The curriculum, already far less advanced than that of provincial schools, was simplified further and any new facilities built were to be basic day schools which could offer education to Indigenous youth at a far lower cost to the government (Barman, Hébert, and McCaskill 1986). In the 1920s, the industrial school model was completely abandoned and all former industrial and boarding establishments came to be known as residential schools (Miller 1996).

The education received in both residential and day schools in the early- to mid- twentieth century was minimal and basic. The teachers usually did not hold a teaching certificate and the principals were normally clergymen who had little experience with developing instructional programs (Chalmers 1972). With regard to residential schools specifically, a half-day system was typically followed in which students were to receive classroom instruction for half of the day and learn practical skills, usually agricultural, for the remainder of the day. In addition to ensuring that Indigenous pupils received only a very basic scholastic education, this system allowed the administration to extract free labour from students by having them perform chores around the schools as part of their “practical instruction.” In fact, officials at the time had expressed hope that residential schools might become financially independent through the manual labour of their students (Miller 1996, 157). Needless to say, few students progressed past the primary grades regardless of how many years were spent in school. In 1930, only 3% of Indigenous students had progressed past grade 6 and three-quarters of all those in school were in grades 1 to 3. In comparison, about one third of students were beyond grade 6 in the provincial school system at the time (Barman, Hébert, and McCaskill 1986).

Aware of the dismal academic results, various Aboriginal individuals, leaders and groups brought their concerns to the government. For example, a parent of a student at Battleford residential school refused to send his child back, telling the Indian agent that his son could not read, speak, or write English after five years of attendance, his time having been spent performing farm labour rather than learning (Miller 1996). In 1911, a delegation from Saskatchewan to the superintendent of Indian Affairs requested that less emphasis be placed on farming,

and more on class work (Barman, Hébert, and McCaskill 1986). Two decades later, the League of Indians of Western Canada passed a resolution asking that the Department of Indian Affairs develop local day schools on-reserve since students in residential schools were progressing so slowly (Sluman and Goodwill 1982). The next year the League pushed the department to require that teachers have proper certification and that students in residential schools spend more time in the classroom (Barman, Hébert, and McCaskill, 1986). Little was done to respond to these requests.

As would later become more widely known, not only did little academic learning occur in residential schools, for many First Nations students, residential schools were places of emotional, physical, and sexual abuse. Children were taken, often forcefully, from their homes, their hair was cut, they were clothed in European style of dress, and they were placed in unsanitary living conditions. Students were taught to be ashamed of their culture and to see themselves and their people as inferior and immoral, often facing punishment if they spoke their native language (Miller, 1996). Physical abuse was also common in residential schools, and it is clear from government documents from the time that church and department officials were aware of the abuse and chose not to stop it. For example, in the early 1900s, an inspector of Indian Agencies named W. Graham brought numerous cases of abuse to the attention of the Department of Indian Affairs. One such case involved a principal at Crowstand School who had tied ropes to the arms of a number of boys who had attempted to run away, making them run behind a horse and buggy for eight miles. In another case, a boy from the Anglican Old Sun's School who had run away was shackled to a bed, stripped, and beaten mercilessly. In all of the cases brought forward by Graham, the Department refused to have the offenders removed from the schools, siding instead with the churches, which defended the actions of their employees (Milloy 1999). Despite numerous suggestions that regulations on the acceptable use and limits of punishment should be sent to school principals, no such regulations were ever issued. Principals and school staff thus disciplined children as they saw fit, with records showing that students experienced a litany of abuses including chaining and shackling; being locked in small, dark spaces; having their heads shaved; and being severely beaten with whips and fists (Milloy 1999).

While almost entirely absent from government documents of the time, reflecting the general lack of discussion of sexual matters in that period, it is now widely known that sexual abuse was also pervasive. According to the Aboriginal Healing Foundation, while residential school students had long spoke about their negative experiences, it was a BC social worker working with clients from the NI'akapxm First Nation in 1987 that acted as a catalyst in bringing to light the full extent of the abuses endured by former students. Examining the personal disclosures of NI'akapxm clients, she discovered that most of the NI'akapxm who had attended St. George's Residential School had been sexually abused during their time there. A criminal investigation followed and a former dormitory super-

visor was convicted of sexual assault, drawing media attention to the issue and setting the stage for other former students to bring charges forward (Aboriginal Healing Foundation 2005). Former students of St. George's Residential School also brought a lawsuit against the Anglican Church and the Canadian Government, becoming the first such civil case to come to trial in Canada. By 1999, 2500 lawsuits had been launched over abuse at residential schools (Miller 2000). While it is not known exactly how many students experienced sexual abuse, one study estimated that 48% to 70% of residential school students in one First Nations community were sexually abused (Chrisjohn, Belleau et al. 1991).<sup>2</sup>

## **Winding Down Residential Schools: From Segregation to Integration**

It was not until the 1940s and 1950s that the government began to once again rethink its education policy. Funding cutbacks during the First World War, the Great Depression, and the Second World War had left federal schools severely under-resourced. At the same time, the atrocities of the Second World War brought an increased awareness of institutionalized racism and human rights issues to the general public, drawing attention to the treatment of Indigenous peoples. Impetus for change was also provided by the large number of Indigenous men returning from war who were increasingly unwilling to accept inferior treatment after fighting for their country (Miller 2000).

In 1946, a Special Joint Committee of the Senate and House of Commons was formed to examine and formulate suggestions for how to improve the *Indian Act*. With regard to education, the committee noted that residential schools were failing to both educate and assimilate Aboriginal children and should thus be abandoned. It was proposed that where possible, Indigenous students should be integrated into provincial schools (Nicholas 2001). Based on these suggestions, the revised *Indian Act* of 1951 included provisions for the federal government to strike tuition agreements with provincial and territorial authorities for Aboriginal students to be educated in provincial schools. By 1960, about one quarter of Aboriginal students were attending provincial institutions (Barman, Hébert, and McCaskill 1986). Among the first generation of students to attend public schools, however, drop out rates were alarmingly high, with approximately 94% of Aboriginal students leaving school before graduating grade 12, compared to 12% of non-Aboriginal students (Hawthorn, 1967).

Despite the Joint Committee's clear proposal to abandon residential schools in 1946, strong resistance from the churches, and in some cases from Aboriginal communities themselves, lengthened the process of winding down the residential school system. By 1960, over 60 residential schools remained in operation (Aboriginal Healing Foundation, 2007). Over the next decade, however, a number of factors combined to produce more rapid change. For one, the government formally ended its partnership with the churches in 1969, effectively secularizing



Aboriginal education and stifling a key source of opposition (RCAP 1996). In terms of public attitudes, the civil rights movement in the United States and decolonization struggles in Asia and Africa were bringing attention to equal rights for minority groups and made addressing the issue of Aboriginal well-being a moral imperative (Miller 1996). Further, various government reports were commissioned during this time to investigate the needs of the Aboriginal population, with two such reports explicitly condemning residential schools. Both released in 1967, Caldwell's *Indian Residential Schools* and Hawthorn's *A Survey of the Contemporary Indians of Canada*, commonly known as the Hawthorn Report, provided strong criticisms of the residential school system and supported the government's policy of integrating students into provincial schools. Both recommended that the government cease to operate residential schools and Hawthorn suggested that the former residential establishments be converted to hostels where children could board to attend regular schools. Rather than disputing the criticisms of the federal school system, the government endorsed the reports and used them to support their position on integration (Milloy 1999).

## Education in the North

The development of European-style education in the North<sup>3</sup> occurred at a different pace and a different time than elsewhere in Canada, but followed largely the same overall pattern. From 1670 to 1870, the Hudson's Bay Company (HBC) controlled large swaths of land in the North and West due to a royal charter granted by King Charles II. Interested solely in trade, HBC initially discouraged missionary activity on its land and had no desire to educate or assimilate the Indigenous population (Carney 1995). After these lands, known as the North-Western Territory and Rupert's Land, were ceded to the newly formed Dominion of Canada in 1870, missionaries began to have a larger presence in the North and expanded on the few mission schools that had been opened in the 1860's (Macpherson 1991). However, like the Hudson's Bay Company, the Canadian government had little interest in educating the Northern Indigenous population, as it was assumed that having a formal education was futile for peoples living in such isolated regions. The Canadian government also hoped that Indigenous peoples in the North would maintain their traditional lifestyles and thus not rely on the government for assistance (Milloy 1999).

With little involvement from the Canadian government, education was left in the hands of the religious groups that operated missions in the North, primarily the Anglican and Catholic Churches. A number of day and residential facilities were slowly established and, after repeated appeals to the federal government for assistance, limited funding began to be provided in the 1890s (Coates 1991, Macpherson 1991). The government was not convinced, however, that education in the North was necessary or desirable and remained generally disinterested in Northern educational activities. Unwilling to establish a territory-wide education system, new schools were opened only when missionaries pressured the govern-

ment to provide funds, and, even then, funding was provided reluctantly (Coates 1991). Reflecting the government's sentiment, Frank Oliver, minister of the interior, granted the capital and operating costs for a new boarding school in the Yukon in 1909 but stated, "I will not undertake in a general way to educate the Indians of the Yukon. In my judgment they can, if left as Indians, earn a better living" (as quoted in Coates 1991, 138). Due to the lack of government support and the meager funds available, the schools that were established were marked by inadequate facilities, unqualified teachers, a lack of supplies and curriculum, and they operated intermittently, closing and opening based on the availability of teachers and funds and on the migratory patterns of the Native populations (Coates 1986, Macpherson 1991).

It was not until after World War II that the federal government began to become truly involved in the education of Northern Aboriginal peoples. In the post-war period, a renewed interest in issues of social justice and the well-being of disadvantaged Canadians brought a flurry of new programs to the North designed to improve everything from health, to housing, to employment. Education also became a concern, and a number of reports were commissioned to investigate the current state of affairs and what should be done. In 1955 it was arranged that the Department of Northern Affairs and National Resources would take on responsibility for educating children in the Northwest Territories, and in 1956 all mission school teachers were made federal employees. An aggressive school construction program to expand the meager education system was also announced in 1955. Many of the new schools were accompanied by hostels to house students from outlying areas and, in line with the federal government's wider push towards integrated schooling, the schools were to educate both Indigenous and non-Indigenous students (Macpherson 1991). According to Gordon Robertson, Deputy Minister of the Department of Northern Affairs in the 1950s, the number of schools in the Northwest Territories grew rapidly from only 18 in the entire territory in 1953 to 30 schools in the Mackenzie Educational District and 25 in the Arctic Educational District in 1962 (Macpherson 1991).

The move towards federal control also brought a dramatic shift in the curriculum being offered in Northern schools. Under federal authority, school programming began to more closely resemble the curriculum in southern schools and English or French were the only languages of instruction (Coates, 1991; Milloy, 1999). While the Department of Northern Affairs, professing to have learned from the mistakes of the southern school system, stated that their educational policy was to "maintain the native way of life" and "preserve the pride of the race," critics asserted that inside the classroom, assimilation remained the primary goal (Milloy, 1999).

By the late 1960s, jurisdiction over Northern education was once again changing hands. The creation of a new government in the Northwest Territories with Yellowknife as its capital led to the devolution of a number of federal powers in 1967. Education was devolved soon after, and by 1970 the Northwest Territo-

ries government had full jurisdiction over education (Macpherson 1991). In the Yukon, virtually all of the schools were under the authority of the Yukon territorial government by the late 1960s (Coates 1991). Arctic Quebec followed a similar pattern, with provincial schools being established in most communities in the 1960s. The Quebec government, seeking to assert control over Inuit affairs, offered an alternative education system to the pre-existing federal system but both federal and provincial schools continued to operate (Vick-Westgate 2002).

## Indian Control of Indian Education

The real watershed in Aboriginal education across the country occurred in 1969 with the release of the “White Paper” and the subsequent Aboriginal response. Produced by Trudeau’s Liberal government, the White Paper argued that in order for the conditions of Aboriginal peoples to be improved they needed to be made full and equal citizens in Canadian society. To achieve “full equality” the *Indian Act* was to be repealed, the Department of Indian Affairs eliminated, and all special legal status for Indians was to be removed. Aboriginal peoples were to become just one more element in a multicultural society.

First Nations reacted swiftly to the proposed policy, condemning the paper as an attempt by the government to shirk its responsibility to First Nations and as promoting cultural genocide. Soon after, various Aboriginal organizations began producing position papers voicing their intense opposition to the terms of the White Paper, with education becoming a key concern. One of the most significant of these position papers was the National Indian Brotherhood’s 1972 paper titled *Indian Control of Indian Education*. At this time, the government had already abandoned the White Paper due to the strong and united Aboriginal opposition and had promised to consult with First Nations groups in the formulation of a new policy. The National Indian Brotherhood’s paper was a comprehensive statement of the need for local control of Aboriginal education, inspired in part by events such as the 1970 Blue Quills Residential School sit-in, in which the community successfully resisted the school’s closure, demanding it remain open under Indian control. The government, already committed to phasing out the failed and costly residential schools and finding that integration was not more academically or socially successful, acquiesced and accepted the Brotherhood’s position paper in principle (Longboat 1986).

After accepting *Indian Control of Indian Education* as the national policy statement on Aboriginal education, the government began to devolve some administrative control of schools to First Nations communities. In most cases, the devolution of responsibility to First Nations communities resulted in very little actual control over the content and delivery of education. More comprehensive change came about in Northern Quebec due to the James Bay and Northern Quebec Agreement (1975), which was the first major land claim settlement in Canada. The agreement contained detailed provisions on education, including the

creation of a Cree and an Inuit school board. The two school boards were given the power to develop and deliver culturally appropriate curriculum and to use Cree and Inuktitut as the languages of instruction (Vick-Westgate 2002).

Overall, however, there were many misunderstandings and struggles over the meaning and implementation of Indian control. Frustrated with the pace and direction of change, in 1988 the Assembly of First Nations (AFN) produced *Tradition and Education: Towards a Vision of the Future*, which was a rearticulation of the ideas in *Indian Control of Indian Education*. However, more than just updating and revising the original policy statement, *Tradition and Education* reflected a clear shift in thinking among First Nations leaders about the meaning of “Indian control.” While *Indian Control of Indian Education* spoke about control in terms of devolving responsibility for education to Indian bands that would have authority over education similar to that of provincial school boards, *Tradition and Education* emphasized Aboriginal peoples’ inherent right to self-government as the basis for control over education (Abele, Dittburner, and Graham 2000). It was argued that a constitutional amendment was needed to formally recognize and affirm this inherent right, or, at the very least, federal legislation that would ensure future dealings between First Nations and the federal government were on a government-to-government basis.

To aid in the transition process, *Tradition and Education* demanded that the government provide the funding necessary to create a new administrative structure, establish national and regional educational institutions, formulate long-term education plans, research First Nations learning styles, and develop new curriculum. Monetary issues were central to the report, as it was argued that funding was a key barrier to First Nations jurisdiction over education. For First Nations to truly take control of their education systems, funding would need to be adequate and sustainable and First Nations would need to have full and complete control over the allocation and management of resources (AFN 1988).

The government responded to *Tradition and Education* by commissioning James MacPherson to review the document. His findings were published in the *MacPherson Report on Tradition and Education: Towards a Vision of Our Future* in 1991. MacPherson reported that the federal government’s Aboriginal education policy was extremely skeletal and unclear. Echoing the AFN’s proposal, it was recommended that a constitutional amendment be made to provide a strong foundation for First Nations jurisdiction over education. MacPherson further recommended that the government implement a national Indian education law that would specify the role of First Nations in developing education policy, affirming their jurisdiction and control. The law would also include provisions for the establishment of a national advisory committee and a national Indian education institute that would aid in the transition to First Nations control and contribute to the development of national education policies (MacPherson 1991).

While MacPherson generally supported the AFN's proposals, Abele, Dittburner, and Graham (2000) note that the two documents differ in their understanding of the meaning of self-government. Seeking to assure the federal government and the public that self-government is not a "scary concept," MacPherson states in this report that it should not be thought of in terms of self-determination:

We should not allow our pre-occupation with the place of Quebec in Canada or our political and legal thinking rooted in the concept and definition of federalism, to lead us to the facile, but wrong, conclusion that self-government means independence or self-determination. (MacPherson 1991, 42)

This could be understood as in contrast to the AFN's assertion in *Tradition and Education* that self-determination is central to their call for jurisdiction over education:

The recognition and reflection of the inherent right to be and to remain distinct First Nations and to exercise local self-determination over local education programs through self-government is at the heart of this *Declaration of First Nations Jurisdiction Over Education*. (AFN 1988, 38)

Furthermore, MacPherson fails to use the term "inherent right" throughout his report. Nevertheless, *Tradition and Education* and the subsequent *MacPherson Report* brought First Nations education back to the national arena.

It could be argued that the federal government attempted to respond to the recommendations of MacPherson and the AFN by including a constitutional amendment recognizing First Nations' "inherent right of self-government within Canada" in the 1992 Charlottetown Accord. However, the Accord was defeated that same year. Rather than re-opening constitutional debates, the federal government introduced a new policy in 1995 known as the Aboriginal Self-Government Policy, which officially recognized Aboriginal peoples' inherent right of self-government under section 35 of the *Constitution Act*, 1982, and established the willingness of the federal government to enter into self-government negotiations with First Nations (DIAND 1995).<sup>4</sup> This policy statement did not attempt to delineate uniform terms for Aboriginal self-government, but rather proposed to negotiate self-government agreements that are tailored to the needs of each First Nation with the broad guidelines that Aboriginal jurisdiction could apply to matters that are internal to their communities, integral to their distinct identities, and essential to their operation as a government. Education is explicitly listed as an area for negotiation (DIAND 1995).

While self-government agreements with education provisions had been created prior to the 1995 Aboriginal Self-Government Policy, for example the aforementioned James Bay and Northern Quebec Agreement, this policy was important because it established a new willingness on the part of the federal government to constitutionally protect the rights negotiated in self-government agreements. Rights set out in agreements that are protected by the Constitution are thus considered to be treaty rights, theoretically making them much more difficult to violate, restrict, or rescind than those established in previous agreements.

Since 1995, there have been a number of self-government agreements and agreements-in-principle signed that explicitly address jurisdiction over education. Examples of these are the Nisga'a Final Agreement (1998), the Anishnaabe Government Agreement-in-Principle (1998) and the Westbank First Nation Self-Government Agreement (2003). These agreements generally contain provisions stating that the First Nation(s) will have jurisdiction over pre-school, elementary, and secondary education, including the power to make laws with regards to education. However, as many commentators have noted, these agreements also all include at least one clause stating that the education provided by the First Nation must be comparable to that provided in the provincial system, in effect constraining the participating community's ability to truly exercise jurisdiction and control over education (McCue 1999, Morgan 1998).

British Columbia has recently begun a new approach to negotiating jurisdiction over education with First Nations in the province. Rather than negotiating jurisdictional issues with each First Nation through the self-government agreement process, a framework agreement between the province, the federal government, and First Nations in BC was signed in 2006 that outlined a process for transferring responsibility for elementary and secondary on-reserve education to First Nations in BC that decide to opt-in to the agreement. Supported by the passage of both federal and provincial legislation,<sup>5</sup> participating First Nations will be able to make laws with regard to education and design and deliver education programs. As part of the agreement, a First Nations Education Authority composed of all participating First Nations will act as a regulatory body for teacher certification, school certification, and the development of curriculum standards for core courses.

In terms of off-reserve education, a number of provinces have produced policy frameworks and initiatives designed to improve the quality of education provided to First Nations, Inuit and Métis students in their schools. For example, Manitoba created the *Aboriginal Education Action Plan, 2004–2007* (2004), Saskatchewan has an *Indian and Métis Education Policy from Kindergarten to Grade 12* (1995), British Columbia developed a framework for the creation of Education Enhancement Agreements, and both Ontario (2007) and Alberta (2002) have produced reports titled *First Nations, Inuit, and Métis Education Policy Framework*. All of these policy initiatives are designed to enhance Aboriginal student, parent, and community participation in provincial education structures and improve learning outcomes for Aboriginal learners. However, it is difficult to ascertain how effective these provincial initiatives have been in bringing about real change.

In the meantime, numerous reports and policy statements have reiterated the calls to recognize and work towards a comprehensive understanding of First Nations' jurisdiction over education as a key element of Aboriginal self-government. The 1996 *Report of the Royal Commission on Aboriginal Peoples* (RCAP) recommended that federal, provincial, and territorial levels of government move to recognize education as a core area of jurisdiction in self-government, placing emphasis on the importance of capacity development to the transition process.

According to the Commission, acknowledging First Nations' jurisdiction over education would involve First Nations passing their own education policies and legislation and regulating all aspects of education. To this end, the Commission proposed that Aboriginal education systems be developed consisting of multiple levels of organization, including local communities, Aboriginal nations, multi-national organizations and Canada-wide networks.

In the federal government's response to RCAP, a report titled *Gathering Strength: Canada's Aboriginal Action Plan*, the government acknowledged that it was lacking in the area of capacity building and pledged to make capacity building a focus in the negotiation and implementation of self-government arrangements. However, the report had very little to say on the issue of education. In the space devoted to the topic, it was briefly stated that the federal government would work with First Nations to support education reform on reserves with the goal being to "improve the quality and cultural relevance of education for First Nations students; improve the classroom effectiveness of teachers; support community and parental involvement in schools; improve the management and support capacity of First Nations systems; and enhance learning by providing greater access to technology for First Nations schools" (INAC 1997, 16). Despite the clear demand in both RCAP and *Tradition and Education* that the federal government recognize education as a core element of Aboriginal self-government, *Gathering Strength* fails to include any mention of the relationship between self-government and First Nations' jurisdiction over education.

In 2000 the Auditor General issued a report on the state of First Nations education, concluding that more needed to be done to close the education gap between First Nations and other Canadian students (Auditor General of Canada 2000). In particular, the report noted that there was considerable confusion about the roles and responsibilities of the federal government in First Nations education, and a lack of information on actual education costs, appropriate performance indicators, and the state of many education funding agreements. Two years after the Auditor General's report, the Minister of Indian and Northern Affairs established the Minister's National Working Group on Education to provide strategies for improving the quality of First Nations education, and improving education outcomes for First Nations students. The group had a series of recommendations, including that the federal government commit to jurisdictional discussions with First Nations that include capacity building measures and strategies for implementation and that the federal government and First Nations work together to establish the role of Indian and Northern Affairs Canada (INAC) in First Nations education (Minister's National Working Group 2002).

Despite the strong recommendations made in these two reports, a follow-up study by the Auditor General in 2004 found that the federal government had done little to address the issues (Auditor General of Canada, 2004). In response, the department prepared a paper titled *Education Action Plan* in 2005 that outlined how they were addressing each of the concerns raised by Auditor General

(INAC, 2004). The *Action Plan* was organized around five key areas: strategy and action plan, roles and responsibilities, funding, accountability, performance measurement, monitoring, and reporting. The centerpiece of the report, however, was a First Nations Education Policy Framework and a First Nations Management Framework to be developed in partnership with First Nations. The policy framework, projected to be completed in June 2006, was to outline a strategic vision for First Nations education and clarify the roles and responsibilities of various stakeholders. The management framework was to institute performance indicators and targets, outline a new funding model and establish accountability measures, and had a projected completion date of June 2007.

To coordinate the process of developing these two frameworks in collaboration with First Nations, INAC joined with the AFN to form an education policy framework joint steering committee. The steering committee held regional dialogues with various First Nations and education organizations in 2006. However, the projected completion dates for both the policy framework and management framework have long since passed and, to date, nothing has been produced. Further, the AFN reports that INAC halted the collaborative process in 2007 and has been proceeding alone (personal communication 2008).

While a clear national policy on First Nations education has not been produced,<sup>6</sup> efforts have been made in recent years to atone for the wrongs of the past. In May 2006, the Indian Residential Schools Settlement Agreement (IRSSA) was formally approved by all parties involved. Under the terms of the agreement, former residential school students were provided monetary compensation in the form of a “common experience payment” along with additional compensation based on their years of attendance at a residential school. The agreement also established an Independent Assessment Process for former students to pursue claims of sexual and physical abuse, provided \$125 million for the Aboriginal Healing Foundation to continue their healing programs, granted additional funding to support local and national commemoration projects, and included provisions for the establishment of a five-year Truth and Reconciliation Commission. Furthermore, in June 2008 the federal government finally issued a formal apology for its role in the creation and operation of the residential school system.<sup>7</sup> For the thousands of former residential school students who are no longer living, however, the apology and compensation has come far too late. For many, the hope now is that the truth and reconciliation commission will bring a renewed focus on education, a commitment to improving education for all First Nations learners, and the impetus to continue taking meaningful steps towards First Nations control of First Nations education.



## Endnotes

- 1 We have chosen to use the words in the language of the day to identify people and groups, thus terms such as ‘Indian’, ‘tribe’ and ‘Native’ have been employed. As nomenclature shifts over history we will shift our language as well.
- 2 For more information on abuse in residential schools see Knockwood, 1992, Haig-Brown 1988, and Miller 1996.
- 3 The “North” is being used here to refer to the area encompassing present day Yukon, Northwest Territories, Nunavut, and Northern Quebec.
- 4 The policy is also known as the Inherent Right of Self-Government Policy.
- 5 Federally, Bill C-34, titled the *First Nations Jurisdiction over Education in British Columbia Act*, received royal assent in December 2006. In British Columbia, Bill 46, *The First Nations Education Act*, received royal assent in November 2007.
- 6 The department of Indian and Northern Affairs Canada has recently unveiled their own plan, referred to as the Reforming First Nation Education Initiative. This initiative consists of two new programs: the Education Partnerships Program (EPP) and the First Nation Student Success Program (FNSSP), details of which were released in December 2008 (INAC 2008, INAC 2008a). The EPP is designed to encourage and support tripartite partnership agreements between regional First Nation organizations, provincial ministries of education and Indian and Northern Affairs Canada (INAC). The partnerships are to improve coordination between First Nation and provincial schools and promote the sharing of expertise and service provision among partners. The FNSSP provides First Nation regional organizations or band-operated schools with funding to develop school success plans, implement student learning assessments, and adopt a performance measurement system.
- 7 The churches involved in operating residential schools also issued formal apologies. The United Church of Canada was the first to apologize in 1986. Following suit, in 1991 the Anglican Church, the Canadian Conference of Catholic Bishops, and the Missionary Oblates of Mary Immaculate offered their apologies. The Presbyterian Church apologized in 1994.

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