

Provincial Partnerships

Current FN/M education and governance
issues in context

Terrance Ross Pelletier Ph. D. Candidate
University of Saskatchewan

Indian Control of Indian Education

- * There is broad consensus that critical to the achievement of systemic transformation towards cultural responsiveness in policy and school practices is the creation of innovative governance structures which foster greater Aboriginal parental involvement in, and control over, their children's education (Bell, 2003; Martell, 2008; Raham, 2010; Merasty et al, 2013).
- * Burns (1998): "Parental involvement in local control of schools are standard practice in Canada -- but not for the Aboriginal people; instead, they have long been the object of attempts by state and church authorities to use education to control and assimilate them, during the residential school era, certainly, but also, more subtly, today. (p. 10)
- * First Nations and academic researchers have argued that without jurisdiction First Nations parents cannot determine the basic requirements appropriate for their children's education, and suggest that 'best practice' requires a definitive and legal role for First Nations in the governance, decision making, planning, implementation and evaluation of education policies and programs (Burns, 1998; Bell, 2003; Lafond, 2006; Martell, 2008; Lonechild, 2010; Raham, 2010).

Jurisdictional Complexity

Provincial Partnerships

- * There are particular challenges of governance, finance, administration and management issues in provincial-federal-First Nations contexts, given the jurisdictional complexity pertaining to First Nations education (Henry et al, 2015).
- * Provincial education partnerships policy evolved in the early 2000s in the context of tripartite negotiations between the Federation of Saskatchewan Indian Nations, and provincial and federal governments (Treaty Governance Processes).
- * Negotiations built on existing treaty relationships to create a new relationship that would animate First Nations self-government in the province.
- * These commitments were formalized in the **Framework for Governance of Treaty First Nations** in 2000 which outlined a plan for self-government implementation on a sectoral basis, beginning with Education and Child and Family Services.

Provincial Partnerships Policy

- * In 2003 the Ministry of Education released ***Building partnerships: First Nations and Métis peoples and the provincial education system policy framework for Saskatchewan's prekindergarten to grade 12 education system.***
- * Outlined ministry policy to align with the commitment to self-government, this document promised
 - to “rethink and, in some instances, transform existing systems, procedures, management and decision-making processes” and
 - to build “new and strengthened relationships and mechanisms so that FN/M peoples have an equitable voice in planning and decision making.” (Government of Saskatchewan, 2003, Preamble).
 - The document stressed that the new authentic partnerships and collaborative arrangements envisioned among the provincial education system and FN/M peoples were qualitatively different from many traditional partnerships and public involvement initiatives since they were designed to promote “shared management and governance of the provincial education system” (Government of Saskatchewan, 2003, p.3).

Provincial Partnerships Policy (con't)

Other characteristics of the intended arrangements included the following principles:

- * shared problem solving, decision making, resources and accountability;
- * a breadth of arrangements ranging from joint projects and cooperation on programs, through shared management of programs or schools, to shared powers articulated in formal agreements that oversee the management and control of a single school or a number of schools;
- * a broad scope of arrangements covering all aspects of the educational endeavour, including governance, learning program, curricula, supports and services, staff recruitment and development, finance and capital;
- * a shared vision, goals and objectives, established collaboratively;
- * clearly identified mutual expectations and defined roles of partners;
- * practices that reflect and nurture the values of mutual respect and understanding; and,

Provincial Partnerships Policy (Con't)

Other characteristics of the intended arrangements included the following principles:

- * a shared commitment to the well being and educational success of each child and young person within provincial and FNs schools.
- * Vision – Desired State: Saskatchewan’s provincial Prekindergarten to Grade 12 education system is managed and controlled equitably by the Aboriginal and non- Aboriginal people it serves. As full partners at all levels of education planning and decision making, FN/M and non-Aboriginal peoples share responsibility and authority for achieving goals for the benefit of all Saskatchewan students, teachers, and communities. (Government of Saskatchewan, 2003, p.4).

Provincial Partnerships Policy (con't)

Ministry of Education: 2014-15 PreK-12 Education

Sector Strategic Plan 2014-15 Actions

In partnership with FNM stakeholders, develop a FNM student achievement initiative.

- * Engage FN/M leaders to develop partnerships and plans in order to increase achievement and graduation rates of FN/M
- * Develop a governance model and transition plan to support development of the FN/M student achievement initiative.
- * Determine the applicability to Saskatchewan of an Indigenous education model that has demonstrated exceptional success in increasing student engagement, achievement and graduation rates in that country.

Definition: Co-Governance Partnerships

The Building partnerships document identified cooperative, co-management and co-governance relationships growing among the provincial education system and FN/M and other Aboriginal authorities and offered the following **definition of Co-Governance Partnerships**:

- * Co-governance implies formal sharing of authority and responsibilities from two or more governing authorities to a Joint Board or other legal entity.
- * A co-governance agreement stipulates the parameters of authority and responsibility delegated to the Joint Board and may include the full range of duties and powers assigned to or conferred upon a board of education or other governing authority, such as a First Nation Council.
- * The Education Act, 1995 provides for the establishment of a Joint Board in Sections 92 to 96 (Government of Saskatchewan, 2003, p.8).

Options: Saskatchewan School Boards Association

Saskatchewan School Boards Association (2007) enumerated the range of **possible options** for Saskatchewan School divisions interfacing with FN communities:

- * A shared commitment to the well-being and educational success of each child and young person within provincial and FN schools.
- * No special provisions. It is assumed that when a school division includes a significant number of FN/M people, some of the school board members who are elected will be FN\M. Informally seeking advice from a Band Council, Tribal Council, or FN/M organization on school board plans and/or issues.
- * Creating a formal written partnership with a local band council, tribal council, or FNs organization and developing a formal mechanism that allows the FNs partner to participate in decision-making.
- * Providing that a representative of each FN within the school division's boundaries has a seat on the school board. Each FN is treated as a subdivision as per Section 40 of The Education Act, 1995

Options: Saskatchewan School Boards (con't)

- * Specifying that one seat on the school board is reserved for a person of FN/M ancestry, to be elected by voters who are also of FN/M ancestry.
- * Creating a ward system or subdivisions within the school division. Candidates run in a particular ward or subdivision and are elected by people who live within the ward or subdivision.
- * Creating a joint board to operate a particular school or program under sections 92-96 of The Education Act,
- * Development of a formal service agreement between a FN and the school division, in which the school division, for a fee, agrees to provide educational services to students who fall under the FN's jurisdiction.

Engaging on the Basis of Aboriginal Rights

Do these developments fall short of Aboriginal expectations?

- * The preferred policy would be positioned along a continuum of Aboriginal rights dialogue and enhanced Aboriginal participation by addressing contemporary issues influencing Aboriginal rights.
- * Martell (2008) identifies a critical connection between school governance and decolonization by suggesting that a realistic goal for policy makers willingness is to contribute to the dismantling of colonialism.
- * Dialogue about colonization must be brought to educational policy makers who need to understand their role within the broader context. Majority must participate in decolonization “ (p.34).

Battlefords FNs Joint Board of Education (BFNJBE)

- * Unique: Referred to as a Co-Governance or Tri-board governance structure.
- * It is a product of a historical relationship between the 13 FNs contiguous to North Battleford and the Public and Roman Catholic school divisions in the city - logical choice given its existing demographics.
- * Recognized the benefits for student engagement and success of a designated high school for Aboriginal children with robust social supports and culturally responsive curriculum.

Battlefords FNs Joint Board of Education (BFNJBE) (con't)

- * **Established:** 2003 for the purpose of “co-governing, operating, and administering the affairs of Sakewew High School” (BJNJBE Partnership Agreement).
- * **Board:** representative from Light of Christ Roman Catholic School Division, and from Living Sky Public School Division and two representatives from the BTC.
- * **Agreement:** committed parties to carrying out assigned duties in a manner that “reflects a co-governance model, which incorporates First Nations’ Holistic World Views and First Nations ways of Knowing” (BJNJBE Partnership Agreement).
- * **Additionally:** the Agreement recognized that it is “necessary and in the best interests of the students of Sakewew High school that sustainable funding be put in place so that Sakewew High School may continue to meet the needs of students...” (BJNJBE Partnership Agreement).

Battlefords FNs Joint Board of Education (BFNJBE) (con't)

- * The Agreement establishing the JBFNIBE is authorized by section 93 of the Saskatchewan Education Act 2005 and confers powers similar to other Boards under the Saskatchewan Education Act of 1995 with the exception of 284-318, inclusive.
- * The educational program conforms to the requirements of the Education Act 1995. Additionally the educational programming “includes an emphasis on First Nations’ content, First Nations perspectives, and First Nations Ways of Knowing and provides opportunities to students...” (BJNJBE Partnership Agreement).

Joint Task Force Research Report 2013 BFNJBE

- * Now in existence for 16 years, it was included in the “Lighthouse Programs” selected by Pelletier et al for the Joint Taskforce Report in 2013 because of its “unique governance and funding structure and a proven track record of affording academic success to First Nations and Métis students” (p.4).
- * Pelletier et al noted that the governance structure exemplifies a strong spirit of cooperation between the Public and Roman Catholic school divisions in North Battleford and surrounding FNs communities.
- * An additional unique aspect of the school’s governance is that the Board and Director’s office is located on the urban reserve within the city of North Battleford which increases the visibility of FNs presence in the city and also offers possibilities of attracting more Aboriginal staff to the institution.

Joint Task Force Research Report 2013 BFNJBE (con't)

Pelletier, et al, (2013) concluded that the BFNJBE is:

- * An example of the shared governance approach ... identified as critical to the creation of postcolonial educational systems.
- * Local Innovation: A practical manifestation of the “made in Saskatchewan” ethical space where Aboriginal and Canadian cultures come together on the basis of equality, acknowledging the best of each other’s knowledge and work for the best outcomes for all.
- * Factors contributing to success in Sakewew ... include: culturally congruent curriculum and pedagogical approaches, a representative workforce, systematic data collection to plan for success, the integrated services model to provide for students’ holistic needs, and multiple partnerships with external agencies to leverage resources”. (p.146)

Urban Aboriginal Governance Models (Saskatoon Tribal Council)

- * Reports commissioned by the Governments of Canada and Saskatchewan (2002, 2003, 2006) and a 2010 MOU between these parties and STC have endorsed the recognition of FNs jurisdiction or shared governance in the area of education (Government of Canada, 2002; Saskatchewan Learning, 2003; STC, 2010).
- * FNs representatives have insisted that control of education is integral to the inherent right of self-government and identify constitutional, political, educational and cultural imperatives for greater Aboriginal participation in local school governance (Henry et al, 2015; Martell, 2008).
- * **Saskatoon Tribal Council:** In addition to forging partnerships with provincial school divisions
 - * also seeks to advance educational co- governance into the urban realm of Saskatoon to create a context-specific approach to a jurisdictional/legal space that is unique to STC.

Urban Aboriginal Governance Models (con't)

- * This intersection of federal and provincial public policy and FNs jurisprudence (Henderson, 2006) is a novel and complex space, given the multiple, overlapping and contested jurisdictional claims that are exercised (Burns, 1998; Martell, 2008).
- * Exploring new conceptualizations of Aboriginal participation in school governance can address Aboriginal exclusion that has become rooted in public education and
- * ensure the recognition of Indigenous peoples' worldviews, social structures, and pedagogy as a legitimate foundation upon which to construct new knowledge and structures alongside Western governance systems and ways of knowing.

Urban Aboriginal Governance Models (con't)

- * Aboriginal peoples in Canadian urban spaces - Morse (2010) noted the “long history of Aboriginal peoples seeking to fill a critical void in the provision of important services that have been neglected by federal, provincial, territorial and municipal governments” (p.2).
- * Local agencies have been established over time to offer a broad array of services some of which, (for example, alternate high schools and child welfare agencies) provide services that fulfill a statutory function, while others interact on a daily basis with government departments and the dominant court system.
- * However, typically these initiatives have been delivered by independent service agencies operating strictly as non-profit corporations with no statutory base and no legal powers of a governmental nature.

Urban Aboriginal Governance Models (con't)

- * Additionally, provincial governments have also on occasion created frameworks that acknowledge the role of non-governmental organizations (NGOs) in fulfilling functions that possess a formal legislative base and can exercise statutory powers.
- * Historically Provinces have engaged with non-Aboriginal agencies – particularly those grounded on linguistic and religious distinctions and recognized the official status of schools, hospitals and child welfare services that offered an ‘acceptable’ alternative to similar government-operated institutions, while meeting all prevailing statutory requirements.
- * More recently, local Aboriginal organizations have achieved some degree of recognition in a handful of cities.

Urban Aboriginal Governance Models (con't)

- * **Jurisprudence:** Little jurisprudence directly addressed the status of these aboriginal and treaty rights in the political and legal realms rights **within the urban context** (except in relation to members of urban reserves).
- * According to Morse it “is therefore impossible to draw upon court decisions to assert confidently that all Aboriginal peoples residing in cities possess all Aboriginal and treaty rights.
- * Jurisdiction in urban areas: Morse noted it is “tied to [First Nations] inherent sovereignty as original governments and their continuance as distinct peoples from the rest of society... with their own unique needs, interests and aspirations”.
- * In considering “potential governance futures for Aboriginal peoples operating collectively to develop distinctive approaches to meet their needs and aspirations” within urban contexts “requires having a population of sufficient size and talent that its members can be actors, rather than recipients, in the exercise of self- governance”.

Urban Aboriginal Governance Models (con't)

- * It is obviously much harder in cities like Saskatoon, where many different First Nations, three language groups and two treaty territories are represented to develop common institutions of governance.
- * Martin Dunn suggested over two decades ago that Aboriginal self-government in urban contexts was possible by relying upon a voluntary formation by individuals of a “community of interest” based upon shared cultural affinity through their common self-identity.
- * Notably, this shared identity would need to be based upon aboriginality, not on origin from a common nation or even treaty territory.

Possibilities: Urban Aboriginal Governance Models

- * Morse (2010) outlines possibilities for First Nations peoples that wish to carve out jurisdictional space in which to govern their own affairs while residing within the territory of an already- existing public government controlled by non-Aboriginal Canadians.
- * These include negotiating new bilateral or tripartite agreements that could serve as catalysts for generating federal or provincial legislation providing statutory frameworks for the following:

Possibilities: Urban Aboriginal Governance Models (con't)

1. Formal recognition for non-profit Aboriginal institutions exercising statutory mandates;
2. Formal recognition for Aboriginal institutions of governance that possess specified subject areas of law-making jurisdiction;
3. A legal foundation for Aboriginal institutions with the authority to settle disputes. These could be invoked on a voluntary basis by Aboriginal individuals and organizations seeking an alternative to provincial and territorial court systems;
4. An enabling statutory framework in which Aboriginal peoples in an urban area could choose to bring existing institutions and agencies together as the public services of their duly elected government (p.3)

Possibilities: Urban Aboriginal Governance Models (con't)

- * Morse (2010) concludes that the Federal Urban Aboriginal Strategy (UAS) Initiative is a strategy that might support the creation of forms of Aboriginal governance in urban centers.
- * The strategy has helped foster the development of co-ordination and planning committees that draw together many of the key existing Aboriginal service deliverers - could themselves become the precursor to formal institutions of urban Aboriginal governance.
- * Linking together all existing agencies under a single umbrella body that acquires legitimacy through direct accountability to the urban Aboriginal population as a whole, perhaps through elections to this new entity, would lay a foundation for governance.
- * The challenge is to move from self-administration of programs and provision of services that are controlled and designed by provincial and federal government departments
 - * to a position in which an Aboriginal government establishes the terms of these functions and provides their legal powers.