

An Oral History of First Nation Education Funding

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This transcript is of audio featuring Karihwakeron Tim Thompson speaking on funding for First Nation education and the formula from 1988 that continues to be the basis for this funding.¹

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We have to remember, in First Nations country, the federal government primarily works through the *Indian Act*, and the *Indian Act*, identifies Indians, those who are registered as Indians.

It identifies bands, a group of Indians” (laughs), so they recognize this collective. They have reserves, federal Crown land reserved for Indians. So their primary activities under the *Indian Act* are geared at Indians who are part of a band, who are on reserve. There are Indians who aren’t registered, or there are also registered Indians who don’t live on a reserve. They have been largely treated as belonging to the general population of a province, and Indian Affairs has generally not paid a lot of attention to them. So the primary activities are on reserve.

Under the *Indian Act* there have always been extensive provisions with respect to First Nations education. If you go back to the first *Indian Act* in 1876, it mentions education, so it is a great area for

them – the identification of Indians and education are probably the two biggest things historically in the *Indian Act*.

So, today in the *Indian Act* you have three main sections affecting education. Basically, they enabled the minister to establish schools, to run them and maintain them on reserve, and that children from the ages of six to 16 should be attending these schools. There have been other provisions in the past, but those are generally the Minister’s authorities, the department’s authorities.

So how do they exercise those authorities? They are very vague. So they exercise those authorities by creating regulations. There are two different types of regulations or initiatives they create. One [type] are the funding agreements – what they call the contribution agreement that they create with band councils. The contribution agreement, it sets out terms and conditions upon which [the department] will provide funding to the band council.

So historically, they will provide funding under education to band councils if they provide comparable programs and services in their schools to the programs and services issued by provincial schools.

And, over time they added features like, you must only have provincially certified teachers in your schools. And students must be able to transfer to mainstream schools without penalty under the programs that are offered. Then they created something called the Elementary Secondary Program. So, the program governs how the funding for those schools can be spent – so here are the allowable elements, so if we give you money you can spend it on these things if you’ve met those other conditions. So you have multiple levels of governance that are going on, in education you can probably refer to it as social engineering.

Are they providing enough money to meet those objectives? If a First Nation is required to deliver the comparable programs that provincial schools are delivering, is the money adequate?

Well, it was a question that was never asked, at the beginning. Around 2004-2005, we had a joint committee between the Assembly of First Nations and Indian Affairs and that was the first time we had seen the formula that they were utilizing to provide funding to First Nations. And it was in a document, Draft Formula Funding, 1988 — they explained to us that there had already been allocation money for First Nations education. And they were told by central agencies, Treasury Board and the Auditor General (back then it was probably the Treasury Board), to justify how they were allocating those funds. How much were you giving to teachers and in-school instruction? How much were you giving to school board type services, things like that.

And so they told us, they went on and created a formula: they used Ontario's provincial education formula, took the categories, then they took the existing money they were provided, and then split the pie and said, "Well, you know, if we take this much per First Nations student, and say that we're applying this for teachers and in-school instruction, that will be that part of the formula. [Then], this part of the formula will be for additional items like second language instruction or special education needs." So they divided up an existing pie, an existing allocation, they didn't create a new allocation based on any form of reasoning (laughs).

I like to say, how much will it cost to have to have adequate teachers in these schools? How much will it cost to have these programs and services? [But] they didn't do that kind of examination — they just created a formula based on an existing pie, divided it all up, and over the years would add money to it.

Since the formula only covered primarily in school instruction, they then created other programs over the years, whenever the pressures would come. So when pressures came for more external support, school board-type services, then they created a new program, put new money in there to help fund that. When there was a time where funding was needed to create relationships with provincial school boards,

they then created a new program for that. For a time they even supported the development of [a] First Nations curriculum, so they created a new program for that — time limited, proposal-based programs.

By around 2016-17, when the current government announced they were going to put new money into First Nations education, probably half the money First Nations schools were accessing to just run their schools, probably about half of it was based on proposal submissions.

It wasn't grants and transfers like most school boards would receive. They had to write these submissions, send them in and hope they get funding. So, there has been a change.

The other part of your question was how do things change going forward. Well, the current government announced they were going to add money over five years. This has been treated as program money, it hasn't been added to the base, so the base funding is still based on that 1988 formula, it's still subject to that two percent cap. The new money has been used to fund a transitional process. So, as a first step they have done a positive thing, they have gone province-by-province, or in their terminology, region by region, to create an interim funding formula, which is a little better than the old formula. It takes provincial funding categories, it adds Indigenous languages and cultures, it adds an allocation for that. It tries to boost up the actual cost line, this is how much it will cost to fund these services inside a First Nations school, so this interim funding formula has been put in place across the country.

The reason it's interim is at the same time they are negotiating with First Nations organizations to establish long term agreements that will include funding and what the funding will be utilized for. And, this is ongoing work. It is interesting because while they started out as agreements that wouldn't necessarily be jurisdictional or self-government agreements, it will be interesting to see the extent to which they actually become that. Each region seems to be doing this work independently of the other regions, just like comprehensive self-government agreements that have occurred. So, it will be interesting to examine the results of this process at some point in time.