First Nation Students with Special Needs in Canada: How a ‘non-system’ is Hidden From Canadians and the World Community

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Abstract

First Nation students with special needs who reside on First Nations/reserves throughout Canada and attend a school on a reserve encounter discrimination by the federal government of Canada. The federal government is constitutionally responsible for approximately 120,000 students attending over 500 schools on First Nations throughout Canada. These schools are not part of any ‘system’ of education. Canada has hidden their constitutional responsibilities in education, as well as the absence of special education programs and services for First Nations students with special education needs. These students and their schools are not part of any regional, provincial, national or international assessment programs. ‘Canadian’ education and special education statistics and information that is given to international education organizations (e.g., OECD, UNESCO) exclude First Nations schools.

1. Introduction

Imagine that you are a First Nations parent. Your child goes to the local First Nations-controlled school on your community or reserve. Your child’s teacher and the principal have expressed concerns about your child’s progress at school. They recommended that your child be assessed by a psychologist and a speech and language pathologist. You make the arrangements. The assessments indicate that your child requires special education services, e.g., resource room teacher assistance, possible special class placement, and on-going assistance from a speech and language pathologist. A specially trained paraprofessional may also be required.

Now, the problem hits you. Your school doesn’t have these types of special education programs, services and teachers. What are you going to do?

If your child remains in the local school, he will not receive much special education assistance. The school doesn’t have enough special education funding to hire a full-time qualified special education/resource teacher. Specialist support, e.g., school psychologist, speech and language pathologists, etc., are difficult and expensive, to obtain. Special programs and materials are also difficult and expensive to obtain.

Your tribal council receives some funding for special education. However, it is not enough to provide ongoing specialist support services for 22 schools.

You have two other choices. One, you can send your child to live in another town or city and attend a provincial school where his special needs will be met. The federal government will pay all of these costs. Second, you can send your child to the nearby provincial school on a daily basis.

You’re fortunate. A provincial school is within easy driving distance. This school has qualified special education/resource teachers, as well as programs and materials. It also has specialist support from the provincial school division. Your child’s special education needs may be met in the provincial school, however, he will be away from his cousins, his peers, his language and culture.

This is the dilemma faced by many First Nation parents who have children with special needs. They and their children with special needs have to make a difficult decision.

A real life example of the differences between the federal system and the provincial systems of special education has been highlighted in the case of the Miller twins who live on the Mississaugas of the New Credit First Nation in Ontario [1]. The twins have Down Syndrome. Their First Nation school receives $160,000 for the special education needs of 120 students from the federal government. However, their school does not have a special education resource or specially trained teachers for the twins.

The absence of trained special education personnel, programs and services results in the twins going to the nearby provincial school in Cayuga. This school has access to a comprehensive system of...
special education programs, services, and personnel to meet the twins’ special education needs.

These special education programs, services, and personnel cost money. The provincial school board invoices the First Nation $80,000.00 for the education of the twins. This is half of the entire special education funding that the First Nation receives from the federal government for the entire school.

The First Nation has asked the federal government to assume these extra special education costs. The federal government has refused.

The situation faced by the parents of the Miller twins highlights that Canada has two systems of education. They are very different.

The first system, the thirteen provincial and territorial education systems, is familiar to most Canadians. Each of these educational systems has enacted and developed legislation regarding education, including special education, policies and procedures, and funding. Schools within these jurisdictions are part of comprehensive system of educational programs and services with supports at the school (primary level), from the school board/division (second level), and from provincial/territorial ministry of education (third level). Students attending schools in these jurisdictions have access to these educational, including special education, programs and services. These schools participate in regional, provincial, national, and international assessments.

The second system of education in Canada, the federal government of Canada, is not widely known. Aboriginal Affairs and Northern Development, Canada (AANCI) is the federal department that is responsible for the education of First nation students living on First Nation/reserve. There are approximately 120,000 First Nation students attending 518 schools throughout Canada [2]. In 2011-2012, the budget for these K-Grade 12 students and schools was $1.5 billion [3]. These students and schools do not have an education law. There also is no special education law. These schools are not included in any other regional, provincial, national or international assessments.

2. Constitutional Responsibility

In 1867, British North America (BNA) Act, 1867 [4] established Canada as a country. The BNA Act, 1867 assigned responsibilities to both the federal and provincial governments. One of these responsibilities was education. Federal education responsibility came from Section 91(24) that gave authority to the federal government for “Indians, and Lands

The federal government has legislation, i.e., The Indian Act. The Indian Act outlined the responsibilities of the federal government and the minister of AANDC for First Nation/Indians. Education was one of these responsibilities. Section 114 (2) stated “The Minister may, in accordance with this act, establish, operate and maintain schools for Indian children” [5].

3. History

In 1984, Aboriginal Affairs and Northern Development Canada – Manitoba released a communique on education programs offered by the federal government for First Nation students. The communique dealt with the realities encountered by First Nation students. It acknowledged that First Nation schools were not being provided with adequate education, including special education, programs and services by statements such as “an education system ill-equipped to deal with the large percentage of students requiring special education services” [6].

In 1986, the Manitoba Indian Education Association released a report on the absence of special education services in First Nation schools in Manitoba. The report began with a letter to the Minister of Indian Affairs from a young girl (Charity) who had special needs. She questioned why she was expected to leave her school to attend a provincial school to “receive the education that my special needs require (speech/language therapy, physiotherapy, special class placement, assessment). We have no specialists coming to our school” [7]. It also compared the provincial funding for special education services ($3,161.29) to the funding received by First Nation schools ($200.00) from the federal government.

In 1995, the House of Commons Subcommittee on Aboriginal Education heard a presentation from a number of First Nation educators and leaders. Chief Nathan Matthew from the First Nations Education Secretariat in British Columbia spoke of how he had budgeted $16,000.00 for three students with special education needs in his school. These children were “educationally handicapped in some way, with special needs. We had them all assessed appropriately, and they were falling under the criteria for last year’s funding. We had $16,000 each already budgeted and had the people organized, and we had to pull together three or four different people to get this program going. When we got this budget, it was just like a thud on the top of the head. There was no special education money” [8].

In 2000, the Office of the Auditor General of Canada, released a report on the federal department
of Aboriginal Affairs and Northern Development Canada. The report indicated that the department was unaware of its responsibilities in education in general, and special education in particular. In the area of special education, the report found ignorance and uncertainty regarding whether funding was appropriate as it noted “The department does not know whether special needs students are being appropriately identified an assisted…” [9].

Matthew [10] in a 2001 review of First Nations education financing found significant shortfalls in the area of special education funding. It was estimated that in order to match the provincial level of special education support, AANDC would have to increase special education funding by at least four times for First Nation schools.

Rather than developing education programs and services of its own, the federal government decided to look to the provinces and territories as templates to follow in education. One government document noted that Aboriginal Affairs and Northern Development Canada’s objective in education was “to provide eligible students living on First Nations’ reserves with elementary and secondary programs comparable to those required in provincial schools by the statutes, regulations or policies of the province in which the reserve is located” [11].

Provincial comparability and the use of provincial templates continued in special education. For example, the federal government emphasized “The goal of the new Special Education Program (SEP) is to improve the educational outcomes of First Nations on reserve by providing access to special education programs and services that are culturally sensitive and meet the provincial standards in the locality of the First Nations” [12].

More [13] used provincial special education criteria in the assessment of First Nation students in British Columbia. The report indicated that 15.1% of the students would fall into provincial categories for special education. However, it was estimated that the real percentage was 30.6%. Many First Nation students with special needs had left their communities to receive support in provincial schools. These students included those who would have been identified as Physical Disability/Chronic Health Impaired, Severely Visually Impaired, Severely Hearing Impaired, and dependent handicapped students.

In January 2005, the Standing Committee on Public Accounts heard from officials from AANDC. The Deputy Minster, AANDC, stated that the federal government hadn’t developed “the kinds of support that one would expect and that one takes for grants naturally in off-reserve kinds of situation – for examples, school boards, departments of education” [14]. He later acknowledged that absence of regular achievement testing of First Nations students and schools in his statement “If what you’re asking is whether or not there is systemic testing of First Nations kids’ performance with respect to education in, say, grades four, six or eight or whatever, I think the answer to that is no” [15].

In 2005, Assembly of First Nations (AFN) expressed concern regarding the level of special education programs and services offered in First Nation schools across Canada. Their report noted the absence of second and third level services. These services included “central administration, student counseling, speech pathology, student assessment and support teams, community outreach program” [16]. The absence of these special education programs and services resulted in First Nations students with special needs leaving their homes to receive special education services in provincial schools.

The report also noted the absence of a special education system. For example, “vision and hearing screening conducted by non-school staff, once student identified – no system to inform the school, problem with logistics – travel to specialists, school have no funding for a special needs teacher – no follow-up” [17].

In April 2005, the Toronto Star had a series of articles on education in First Nation communities in northwestern Ontario. The first story was titled ‘Ontario’s forgotten children: Making the grade’. During the 2003-04 school year, a psychologist used the Canadian Test of Basic Skills (CTBS) to assess 1,800 First Nation students in Grades 1, 3, 5, and 7 in twenty-two communities. The CTBS tests reading, vocabulary, and mathematics. The students were assessed twice within the school year.

The results of the testing were “devastating” [18]. Over 86% of the students were at least two grades behind their provincial peers. It was noted that if these students were in provincial schools they would be identified as a student with special needs.

To better understand the reasons for such poor scores, First Nation leaders brought in a team (e.g., doctor, psychologist, and community workers) to one community. The team found 53% of the students had vision or hearing difficulties, 23% had Fetal Alcohol Syndrome Disorder, and 54% were hungry.

The First Nations involved in the study developed a plan to assist the schools and students. Their plan was to bring in a team of specialists for student assessments twice a year, a resource teacher would be responsible for four schools, and annual vision and hearing testing. Other supports included literacy and pre-school centres, as well as adult literacy programs and books.
Their plan was rejected by AANDC’s director of education. She had difficulties with the definition of “special need” [19] used in the study to determine the special education needs of the schools.

It should be noted that the absence of special education support occurred only after the First Nations took control of them. When AANDC operated them, the schools had “a system of regular assessment and support” [20]. However, these supports were withdrawn as AANDC turned the schools over to the First Nations.

A 2006-07 comparison of second-level education services and programs offered by provincial and a nearby First Nations tribal council in Saskatchewan illustrated the absence of such services and programs to First Nation students. The study found that when AANDC transferred schools to the First Nations it transferred salaries of teachers, administrators, and teacher assistants. However, AANDC “did not include second-level services” [21].

The use of provincial standards continues to the present day. AANDC’s Special Education Program (SEP) National Program Guidelines state that the objective of the SEP “is to improve the educational achievement levels of First Nation students on reserve, by providing for access to special education programs and services, that are culturally sensitive, and that meet the provincial standards in the locality of the First Nation” [22].

Despite statement on the use of provincial standards not all provincial special education programs are recognized by AANDC. AANDC-Alberta in their Special Education (SEP) Guidelines 2011-2012 acknowledged that AANDC “continues to use provincial codes to identify High Cost Special Education Students” [23]. However, the guidelines specifically excluded funding for gifted and talented First Nation students as “Funding under the SEP does not include enhanced programs and services for gifted students or enriched, specific programming for students streamed into, for example, drama and the arts” [24]. Such statements run counter to Alberta provincial special education policies that do recognize giftedness as an exceptionality and provides funding and programming support.

Mr. Terry Waboose, Education Manager for Matawa First Nation Management, has described AANDC funding of First Nations education as being similar to buy a car. AANDC only provides funding for the base model. The federal government will not provide First Nation schools with funds for “extras” such as “speech language pathologists and special education services all cost more” [25]. However, these special education services are available in nearby provincial schools.

Adequate funding was noted in a review of Pikangikum First Nation in northwestern Ontario. The school in Pikangikum has 520 students. However, there were an estimated 350-500 students who were not enrolled. The report found that the school had “no library, no tech or trade facilities, no gym, no bathroom facilities in any of the portable classrooms, no lockers, no outdoor recreational or playground facilities, no proper computer rooms, no science facilities, no special education and support space or facilities, no access for wheelchairs and disabled students… “ [26].

In late 2011, the Standing Senate Committee on Aboriginal Peoples released a report on First Nations education. This report was the result of hearings conducted both in Ottawa and across Canada with First Nations education politicians and educators, as well as provincial and territorial school boards/divisions, and professors. First Nation education was described as a “non-system” [27]. In the area of special education, the Committee found some First Nation groups providing second-level services to schools. However, it found that these groups were “relatively small and have few resources at their disposal” [28].

A recent report on First Nation education by the federal government also referred to the “non-system” [29] for First Nation students attending schools on First Nations/reserves throughout Canada. In the area of special education, the report noted the “absence of any meaningful or functioning special needs system to support quick assessment and diagnosis of special needs and to provide effective supports for children with special needs, including a requirement for an individual education plan, consistent resources (trained teaching assistants personal support workers), or therapeutic supports such as speech pathology, occupational therapy, and modifications to the school curriculum or teaching methods to allow the child to learn and prosper and reach their full potential” [30].

Another report on First Nation education was released in 2012 by the Nishnawbe Aski Nation (NAN). NAN represents a number of First Nation communities in northwestern Ontario. Their report was called Nishnawbe Aski Nation’s Report on the Challenges and Needs in Kikinahamaagewin (Education). In the area of special education, the report noted the difficulties encountered by a number of their schools when AANDC’s Special Education Program was implemented. Some of their schools “were unable to access funding for the initial 2-3 years of the program” [31].
4. Hidden Information

Educators, both Canadian and international, are generally not aware of the past and current difficulties encountered by First Nation schools in Canada. The information is hidden by the federal government of Canada. Essentially, the federal government does not allow schools on First Nations/reserves to participate in national or international assessments. Misinformation on the constitutional responsibilities for education is allowed to be published.

As far as the world is concerned, the educational achievement level of Canadian students is at or near the top of international student assessments. For example, the Organization for Economic Cooperation and Development’s (OECD) Programme of International Student Assessment (PISA) that assesses 15 year olds in science, math, and reading often places Canada at the top. In 2009, PISA was administered in Canada. The results were encouraging as it was reported “Canadian students continue to perform well in a global context, having been surpassed by only four countries on the combined reading scale” [32]. However, “the student sample is drawn from Canada’s 10 provinces” as “students of schools located on Indian reserves were excluded” [33].

Studies and surveys of education within Canada often exclude First Nations schools. For example, Statistic Canada, a federal government department, excluded “schools financed by federal departments [e.g., Department of National Defense and the Department of Indian and Northern Affairs]” [34] in studies of enrolment in Canadian public elementary and secondary school.

More recently, in 2013, the Council of Ministers of Education, Canada (CMEC) released a report, ‘Measuring up: Canadian results of the OECD PISA study. The performance of Canada’s youth in mathematics, reading, and science. 2012 first results fro Canadians aged 15’. The CMEC described the 2012 PISA study in Canada as a “federal-provincial collaborative project” [35]. Federal government involvement included Statistics Canada co-management of the project, as well as in the administration of the tests. The federal department of Employment and Social Development Canada represented Canada on the PISA Governing Board and jointly prepared the document for publication (i.e., analysis, translation, dissemination, etc.) with the CMEC. Provincial and territorial government ministries or departments of education were involved throughout the survey process. Absent from any involvement in PISA was the federal department AANDC and its 518 schools as PISA did not include “First Nations schools” [36].

Statistics Canada, in the description of the Youth in Transition Survey (YITS) noted that the target population of the survey was “the survey population for the Reading Cohort (15 year-olds) comprises persons who were born in 1984 and were attending any form of school in the ten provinces of Canada. However, “Schools on Indian reserves were excluded” [37].

The YITS is important. It was developed to provide information on the transition from school to work. Statistics Canada noted that YITS “will help clarify the nature and causes of short and long-term challenges young people face in school-work transitions and support policy planning and decision making to help prevent or remedy these problems” [38].

The ‘Handbook for the Pan-Canadian Education Indicators Program’ continued to provide an inaccurate picture of education in Canada. According to this federal government report “In Canada, education is the responsibility of the 10 provinces and 3 territories” [39]. Not surprisingly, in a description of elementary and secondary grades levels provided in education jurisdiction in Canada, federal or First Nation schools are absent.

5. Summary

‘Not a system’ or ‘a non-system’, too many reports and reviews on the educational, including special educational, programs and services for First Nation schools and students use these terms to describe the current status of First Nation education. This non-system has resulted in difficult decisions for First Nation parents of students with special needs, i.e., send them away for their education or allow them to remain at the First Nation school without their required special education programs and services.

The federal government of Canada and its department of Aboriginal Affairs and Northern Development Canada (AANDC) has ignored its constitutional responsibilities in education. First Nation schools are without the special education supports that other schools take for granted. First Nation students with special needs are without a comprehensive system of special education program and services. This has resulted in many of these students either dropping out, failing in their schools, or being forced to remove themselves from their homes and communities to attend a provincial school.

It is apparent that the Canadian government is reluctant to collect information on the educational
standards and achievement levels of First Nation/reserve schools. These schools, as well as their students are not included in national or international assessments of education.

Historically, the federal government of Canada has ignored First Nation students with special needs. Their schools were also denied special education services for their students. Second- and third-level supports from regional or central education organizations were severely limited.

While espousing provincial comparability of special education services and programs for First Nation schools, the federal government refuses to provide sufficient funding for the development of a provincial level of services and programs.

The exclusion of supports in gifted education appears to go against the stated objective of AANDC’s SEP program to meet provincial special education standards.

Such actions have placed First Nations in an awkward position. First Nation parents and students expect the provincial levels of special education services and programs for their children. However, the funding received for such services and programs does not match provincial levels.

The current reality, i.e., absence of special education programs and services, faced by First Nation students with special needs, as well as their schools are hidden from the national and international communities because First Nation schools are explicitly excluded from national, provincial, and international student assessments. Canadian and international researchers would have no reason to question student assessment results (i.e., PISA) and education reports on Canada that indicate that education in Canada is at the highest level. However, these results and reports are incorrect.

The federal government of Canada is constitutionally responsible for education. However, their schools, as well as this constitutional responsibility in education are not found in CMEC or OECD reports, assessments or documents. Noticeably absent from any involvement in the OECD’s PISA is the federal department of Aboriginal Affairs and Northern Development, Canada.

6. Recommendations

It is time the federal government of Canada acknowledges that it has constitutional responsibilities for the education, including special education, of First Nation students who live on reserves/First Nations across Canada. These students should not be forced to leave their homes and communities to attend a provincial school to receive the range and types of special education programs and services that their special needs require. It is time that a comprehensive system of special education programs and services be developed for First Nation schools and students.

The federal government of Canada and its department of Aboriginal Affairs and Northern Development Canada (AANDC) should ensure that First Nation students with special needs are able to remain in their home communities with their family and peers. AANDC must provide these students, as well as their parents with special education programs and services that are at least comparable to those offered in provincial schools.

Parents of First Nation children with special needs should not be forced to choose between keeping their child in a First Nation school with limited special education services or to send their child to live away from their community, family, language, and culture to attend a provincial school with special education programs and services.

For too many years, the true status of Canadian education has been misrepresented to both Canadians and the world community. First Nation schools and students were excluded in assessments that were to provide information and statistics on ‘Canadian education’. This exclusion has resulted in Canada being mistakenly ranked high in international assessments. These assessments have also given an incorrect image of education in Canada, i.e., education is a provincial responsibility. Both Canadians and the world community should be given correct information on the status of education in Canada.

It is time that First Nation schools represent Canada in international assessments. These schools are Canada’s only national system of education. First Nation schools are throughout every province of Canada. Such actions may hasten the federal government to improve the education, including special education services available to students on First Nations throughout Canada.

It is recommended that:
1. The federal government of Canada publicly acknowledges their constitutional responsibilities in education.
2. The federal government must acknowledge that their past attempts to provide for the education of First Nation students with special education needs has not been successful.
3. The federal government must commit to developing a comprehensive system of special education programs and services for First Nation schools throughout Canada.
4. The federal government collaborates with First Nation educators to develop provincial or
regional second- and third-level special education services and programs for First Nation schools. Such services and programs should include specialists/consultants (e.g., speech and language pathologists, school psychologists, reading & math consultants, special education coordinators, early identification programs, and, annual assessment programs).

5. The federal government ensure that education statistics and information purporting to be ‘Canadian’ be from the First Nations of Canada.

7. References

[15] Ibid, pp. 22
[28] Ibid, pp. 65.
[29] Indian and Northern Affairs Canada [AANDC], *Nurturing the learning spirit of First Nation students: The report of the national panel on First Nation elementary and secondary education for students on reserve, AANDC, Ottawa, ON, 2012*, pp. 9.


[33] Ibid, pp. 36.

Statistics Canada, Ottawa, ON, 2011, pp. 36.


[36] Ibid, pp. 11.

