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**FORGOTTEN AND IGNORED:  
SPECIAL EDUCATION IN FIRST NATIONS SCHOOLS IN CANADA**

[Ron Phillips](#), *Nipissing University*

Usually reviews of special education in Canada describe the special education programs, services, policies, and legislation that are provided by the provinces and territories. The reviews consistently ignore the special education programs, services, policies, and legislation that are provided by federal government of Canada. The federal government of Canada is constitutionally responsible for the education, including special education, of First Nations students residing on reserves. This responsibility extends throughout Canada. This article describes the current status of special education programs provided to First Nations schools by the federal government and makes recommendations for the development of a comprehensive system of special education services and programs.

**Introduction**

Special education in Canada – unlike that in the United States – is solely controlled by each of the 10 provinces and three territories. (Dworet & Bennett, 2002, p. 22)

The above quote is not correct. However, the authors are not alone in ignoring the role of the federal government of Canada in education, including special education. In 2001, a special issue titled “A Pan-Canadian View of Education for Children with Special Needs” was published by *Exceptionality Education Canada* (Timmons, 2001). Later in 2003, a second special issue was published by *Exceptionality Education Canada* (Timmons & Lupart, 2003) to “review the programs, policies, procedures, and supports available for at-risk children across the country” (p. 5). The editors of these two issues and the authors of the articles either forgot or ignored the

special education programs, policies, procedures and supports available to First Nations students. This forgetfulness or ignorance is consistent with past and current thoughts regarding who has constitutional responsibility for the education of First Nation students in Canada. Dore, Wagner & Dore (2001) in the 2001 review noted “Educational policies in Canada fall under the exclusive jurisdiction of the provincial and territorial governments” (p. 127). The Council of Education Ministers, Canada (CMEC) has also incorrectly noted that education in Canada is exclusive to the provinces. Statements such as “the provinces and territories are responsible for all levels of education” (CMEC, 2001, p.9) or “whereas education in Canada is a provincial responsibility” (CMEC, 2009, p.1) may be found in many documents from the CMEC.

The various statements that education or special education is exclusive to the provinces and territories are incorrect. *The Constitution Act, 1867* gives responsibility for education to the provinces and territories. However, *The Constitution Act, 1867* also gives responsibility for “Indians and Lands reserved for Indians” to the federal government. When the constitution was repatriated in 1982, the *Constitution Act, 1982* included *Part II - Rights of Aboriginal Peoples of Canada*. Section 35 (1) stated “The existing aboriginal and treaty rights of aboriginal peoples of Canada are hereby recognized and affirmed” (Department of Justice, Canada, 2009).

Education of First Nations students on reserves is a treaty right. The federal government of Canada signed treaties (#1 - #11) with Indians (i.e., First Nations). Each treaty had an education clause. For example, Treaties #1 and #2 promised that “... Her Majesty agrees to maintain a school on each reserve hereby made whenever the Indians of the reserve should desire it” (Indian and Northern Affairs Canada [INAC], 2006a). Treaties #7, #8 and #11 ensure that “Her Majesty agrees to pay the salaries of such teachers to instruct the children of said Indians ...” (INAC, 2006b, p. 4; INAC, 2006c, p. 3; INAC, 2006d, p. 6). Also, *The Indian Act* (Department of

Justice, 2008) outlines the federal government's responsibility, including education, in regards to Indians or First Nations. The Auditor General of Canada (2000) in a report on INAC emphasized that the federal government "has held, and continues to hold statutory power for the education of Indians" (p. 5).

The reviews and articles regarding the special education programs that are provided throughout Canada are not complete. The reviews cannot be complete when the only "pan-Canadian" educational system (i.e., INAC) is not included. INAC has offices in every region of Canada, including a national office in Ottawa. Past reviews, articles, and reports are silent on special education programs provided to First Nations schools throughout Canada.

This article describes the current status of special education programs provided to First Nations schools by the federal government and its department of Indian and Northern Affairs Canada. It also makes recommendations on strategies for providing a comprehensive system of special education in First Nations schools.

### **Background**

An evaluation of INAC's special education program (INAC, 2007) noted that prior to 2002-03 there was limited support provided for special education programs and the "nature and level of this support varied from region to region because there was no specific program or funding allocation" (p. 3). The report also noted that INAC would provide additional funding support for the following categories of students with special needs: physically dependent; hearing impaired; moderate to severe behavioural disorders; chronic health impairments or physical disabilities; deaf or blind; autistic; communication disordered; and severe learning

disabled. However, additional support was not provided for gifted students or enriched subject-specific programming, in subjects such as the arts.

In British Columbia, a report (First Nations Education Steering Committee and First Nations Schools Association [FNESC/FNSA], 2004) noted that “First Nations schools in B.C. had not had the opportunity to access High Cost Special Education funding since 1995” (p. 4). When high cost funding became available in 2003, First Nations schools in British Columbia were able to allow students with special needs to remain in their local schools. However, First Nations also concerns over the adequacy of the additional funding for special education, as well as the adequacy of the specialist services from the First Nations Regional Managing Organization (FNRMO). First Nations schools acknowledged that additional support was required in the following areas: specialists; staffing; on-going support and follow-up; psychological; emotional; cultural services; and early intervention/prevention.

Similar concerns, as the First Nations schools in British Columbia, were expressed by First Nations schools in the rest of Canada in other reports on the topic of special education services. Brown (2005) in a series of articles written for the *Toronto Star* noted that First Nations schools throughout northwestern Ontario did not have the special education services of speech and language pathologists, literacy consultants, and psychologists. Results of a study using the Canadian Test of Basic Skills on 1,800 students attending northwestern Ontario First Nations schools were devastating. Over 86% of the students were at least two years behind. Later, a further assessment by medical and educational specialists of students in one community found that 53% of the students had a hearing or vision problem, and 23% had Fetal Alcohol Syndrome Disorder. A proposal brought forward by the affected First Nation schools to address these issues was refused by INAC.

The Assembly of First Nations [AFN] (2005) found that First Nations schools were not given “equitable and comparable funding and educational services to First Nations which provinces/territories provide to non-First Nations” (p.40). In the area of special education, AFN noted that second and third level services were not available to First Nation schools. Examples of second and third level services include the following: central administration; student counseling; speech therapy; assessment; and support teams. The absence of these second and third level services resulted in some First Nations students with special needs not being provided with necessary special education services while attending First Nations schools. Or, in order to receive necessary special education services, the First Nations students were forced to leave their home schools and communities to attend schools that were off-reserve.

For First Nations students who chose the latter option, attending schools that were off-reserve, this choice was not without incidents. In 2006, the Grand Council of Treaty #3 (2006) in Ontario complained about INAC’s “severe cuts” (p. 2) to special education funding for students attending provincial schools. The Grand Council of Treaty #3 noted that these students had met the special education criteria from the Ontario Ministry of Education.

The President of the Ontario Public School Boards Association (2006) wrote to the Minister of INAC regarding these funding cuts. The President was concerned because “the per pupil amount approach to funding for special education adopted by INAC does not reflect the incidence of high needs or the costs of particular supports, including educational assistants, that some students need” (p.1). The President noted that “INAC’s funding decision [shortchanged] First Nations students and [ran] counter to equal opportunity” (p.1).

A report (Kavanagh, 2006) from British Columbia stressed the unfairness of INAC’s special education policies. This report noted that,

until very recently, First Nations schools did not receive funding to provide services for students with special needs – even for those students who had been diagnosed with needs that fit within the BC Ministry of Education’s special education funding guidelines. Even now, the federal government provides a block of funding for special education in First Nations in BC. That formula is distributed to First Nations through grants that are calculated through a set formula. Very little additional funding is available, regardless of how many students with special needs are enrolled in the school and regardless of the severity of their needs. (p. 6)

INAC’s report (INAC, 2007) also noted the significant discrepancy between special education services and programs available to students in provincial and First Nations schools. The report found that the Winnipeg School Division #1 had fifty-eight speech and language pathologists compared to the Manitoba First Nations Education Resource Centre (MFNERC), which had three. Winnipeg School Division #1 and MFNERC were responsible for a similar number of students. The lack of speech and language pathologists at MFNERC resulted in a backlog of students who required assessments. More recently, Martin (2009) in an article published in the *Winnipeg Free Press* asked “should a special-needs child attending a First Nations school in Manitoba expect regular access to school pathologists, reading clinicians and other specialists” (p. H3). The main factor to explain the lack of specialists in these First Nations schools was funding, or to be more accurate, a lack of funding.

Similar concerns regarding the special education funding provided by INAC for First Nations students with special education needs attending provincial schools were found in Alberta. Alberta Education (2007) reported that while INAC was matching provincial funding rates for some Severe Disability Categories, INAC “[did] not offer or match Program Unit Funding (PUF) or funding for Severe Communication Disability (Code 47 for ESC learners” (p.6). In other words, INAC would not pay for some special education services for identified First Nations students with special needs while these students were attending provincial schools

in Alberta. Such actions go against the many INAC statements of support for the provincial comparability of services for First Nations students. Thus, the adequacy of INAC funding for First Nations students with special needs becomes a concern in both First Nations and provincial schools.

### **Statistics**

In 2008/09, approximately 119,000 First Nations elementary/secondary students lived on reserves throughout Canada (INAC, 2008b). These students attended one of three types of schools: on-reserve (72,260 students); provincial (44,100 students); and private schools (2,640 students).

The percentages of First Nations students with special needs is difficult to determine due to differing provincial special needs categories and identification criteria. In British Columbia, it was estimated that 29.8% of the students are special needs students (Auerbach, 2007, p. 10). Other reports and studies found that the incidence of students with special needs was 29% in British Columbia (More, 1999), 52% in Quebec (First Nations Education Council, 1992), 35% in Nova Scotia (den Heyer & Wein, 2001), and 17% in a Quebec First Nations school (Stevenson, 2007). Special education information from INAC (2007) ranged from 2.3% (British Columbia) to 22.5% (Alberta) with an average of 10.2%. Recent statistics from British Columbia (FNESC/FNSA, 2009) indicated that the percentage of First Nation students with special education needs was 30.13% (p. 4).

### **INAC's National Special Education Guidelines**

The federal government of Canada does not have an education act for First Nations students. There is no special education law respecting First Nations students with special needs. The federal government only has special education policies and guidelines. In special education, it is important to the federal government that their special education programs compare favourably with provincial special education programs. INAC's *Special Education Program: Special Education* (INAC, 2006e) states that,

the program is designed to support First Nations learners with special education needs and to improve their educational attainment. It gives them access to quality special education programs and services that are culturally sensitive, comparable to, and at a minimum, reflect generally accepted provincial standards in the locality of the First Nations.” (p. 3)

Also, a recent description of INAC's Special Education Program (INAC, 2008a) describes how INAC's special education program compares to provincial special education programs as “The program gives them access to quality special education programs and services that are culturally sensitive and comparable to generally accepted provincial standards in that locality” (p.1).

The schools on reserves should be viewed as individual entities. However, a number of schools do receive additional special education support from a First Nations Regional Managing Organization (FNRMO). These organizations “provide services and support, and in some cases community education, for schools, educators, parents, families and First Nations communities” (INAC, 2007, p. 5). INAC provides financial support to these organizations “to achieve economies of scale and to ensure that individual schools, especially in more isolated and rural areas, would have access to school-board-like services that they would have difficulty accessing independently” (INAC, 2007, p. 5).



INAC's *National Program Guidelines: Special Education* (INAC, 2006e) provides information on the roles and responsibilities of INAC headquarters and regional offices, First Nations Regional Management Organization [FNRMO], First Nations, and band-operated schools. The guidelines provide information on the intervention-based approach of delivering special education services, as well as program management (i.e., student eligibility for SEP). The guidelines provide information on the intervention-based approach of delivering special education services, as well as program management (i.e., student eligibility for SEP). The guidelines also provide information to First Nations schools on the documentation that is required to be eligible for SEP expenditures. The guidelines also note the need for an appeal process.

### **INAC's Role**

Funding is delivered to First Nations schools in two ways: through INAC's regional offices; and through funding provided by FNRMO. INAC headquarters is responsible for "developing, managing and administering SEP [Special Education Program], and achieving the planned results within the resources available" (INAC, 2006e, p. 6). Headquarters disburses funds to regions, prepares the national report, analyses of data, reports, outcomes, and evaluates and monitors program delivery.

The regional offices are accountable for the funding provided to them. The responsibilities of INAC's regional offices include managing the SEP, monitoring program delivery, and ensuring accountable funding. If there is no FNRMO, then the regional offices are responsible for the special education program's administration and implementation. The regional offices ensure that the special education data and reports are collected and sent to INAC

headquarters. The regional offices also conduct compliance reviews to ensure that the First Nations schools are following the national guidelines.

A First Nations Regional Management Organization (FNRMO) is responsible for “administering and implementing the SEP in accordance with national program guidelines” (INAC, 2006e, p. 5). FNRMOs must also apply to INAC to access special education funds and must submit reports to INAC’s regional offices. FNRMOs are responsible for the “effective use of funding and the achievement of planned special education outcomes” (INAC, 2006e, p. 5). First Nations are responsible “for applying to INAC or to their respective FNRMO, in a timely manner, to access direct and indirect SEP funds in accordance with the provisions provided in the SEP national program guidelines” (INAC, 2006e, p. 5). They are also responsible for using the funds effectively and for the achievement outcomes. The First Nations are to submit annual reports to the FNRMO or to INAC regional offices.

### **INAC’S Special Education Approach**

The national special education guidelines recommend an intervention-based approach for providing indirect and direct special education services to First Nations students with special education needs. This approach acknowledges the difficulties First Nations schools have in obtaining specialist assessments. An intervention-based approach is described as “appropriately trained teachers and specialists able to use and interpret assessment instruments to develop individual education plans and the necessary intervention programs to address the students’ immediate need(s) while awaiting formal assessments” (INAC, 2006e, p. 6).

### *Student Eligibility*

The *National Program Guidelines: Special Education* provide details on how a student becomes eligible for special education programs. “Recipients” of funding must be attending a recognized school, be 4-21 years, live on reserve, and be on INAC’s Nominal Roll or student database. Special education funding is not provided for enhanced, gifted or subject-specific programs.

### *Special Education Services*

INAC’s *National Program Guidelines: Special Education* has two categories: direct and indirect service delivery (INAC, 2006e). Direct services to students are targeted to classroom or school-based services. Direct services include the following: Elder services; Individual Education Plans (IEPs); salaries for teachers and paraprofessionals; professional services (e.g., educational psychologists, speech and language pathologists, resource teachers and counselors; tuition, accommodations and transportation costs; parent training; teacher and paraprofessional training; and, data collection and maintenance).

Indirect services are targeted at supporting schools and students (INAC, 2006e). Indirect services include the following: implementation of special education program; professional development; research; professional and consultant services (e.g., educational psychologists, speech and language pathologists, etc.); coordination with other social and health programs; collaboration with provincial school divisions; training for parents; community awareness; and data collection and maintenance. Either a FNRMO or the school may provide these services and programs.

In the 2006 *National Special Program Guidelines: Special Education*, INAC set out a “Maximum Amount Payable”. The maximum tuition rate provided/available to specialized schools was \$65,000.00. The maximum tuition provided/available to regular schools was \$30,000.00. The maximum amount payable for school transportation was \$5000.00. The maximum amount payable for emergency transportation was \$5000.00. Finally, the maximum accommodation rate, which included room and board, was \$50,000.00 (INAC, 2006e, p.12).

### *Special Education Report*

Each spring, First Nations, provincial, and federal schools complete a Special Education Annual Report (INAC, 2006e). These annual reports are submitted to either the school’s First Nation Regional Managing Organization (FNRMO), or if FNRMO does not provide funding, these annual reports are submitted directly to INAC. The Special Education Annual Report has five sections (INAC, 2006e). The first section is *Student Identification* and this section deals with High Cost Special Education Needs Students, Students Referrals and Assessments, and Student Individual Education Plans (IEPs). The second section deals with *School Staff*. The third section deals with *Special Education Policy*. The fourth section deals with *Other Agencies*. The fifth section deals with *Needs Not Met*. Each section has questions and boxes. The schools fill in the respective boxes based on the school’s special education program and services.

The first section (Student Identification) has questions about the number of High Cost special education students that are receiving funding from INAC’s special education program. There are also questions about the number of high cost students who are on an IEP, the number of students who are not on an IEP, and the number of high cost students who are not receiving funding from INAC’s special education program. Other questions in this section focus on any

formal and informal assessments that were conducted (e.g., number of high cost students identified, number of students assessed).

The second section has questions about the qualifications of teachers and paraprofessionals that administer the special education programs. Schools must indicate the number of provincial certified teachers, qualified special education teachers, and certified and uncertified paraprofessionals. Schools also must indicate the number of teaching staff who attended a professional development activity related to the delivery of special education programs.

The third section has questions about whether the school has a special education policy. If the school does, when the special education policy was last updated, and whether the special education policy has an appeal process. Other questions on the special education policy involved ways in which parents and caregivers can be involved.

The fourth section has questions about the other programs and agencies that are involved in the education of students with special needs. These include Child and Family Services, Social Services, Health Services, Day Care/Headstart, provincial school boards, provincial education ministries, traditional/spiritual advisors, inter-agency organizations, and other.

The fifth section is intended for First Nations schools to assist INAC to “build a business case for increased program funding” (INAC, 2006e, p. 32). Schools are expected to provide information on the number of identified students who have special education needs and are eligible for special education services but who are not having their special education needs met, or who are having their special education needs only partially met. The fifth section allows schools to list additional needs and includes special education personnel and programs and funding. Finally, the schools can list possible reasons for lack of services and programs.

### *Special Education Work Plans*

The special education work plans are submitted to INAC and reviewed by INAC education staff and First Nations education officials. After the review, notifications are mailed to the Chief and Council and to the Director of Education. A special education work plan requires the school to provide information on grades offered, the number of students attending the schools, the number of students with IEPs, and a summary budget. Next, information about student assessment is required. This includes information about the number of students to be referred for individual and clinical assessments. Questions are asked about if and how the assessments will be organized by the school, who will conduct the assessments, and if the school has school-wide assessments. The school must provide a budget based on the costs of the assessments (e.g., fees and test purchase). The schools must also provide individual student assessment plans, which include the student's name, age, grade, gender, and type of assessment.

The special education work plan may involve an early intervention plan. An early intervention plan may include community awareness workshops, speech and language development programs, drug and wellness programs, preschool wellness, and sharing information among community agencies. [The school must submit a budget (past? future?)] A budget is required.

Next, the special education work plan covers individual student or small group programs and school wide or large group services that are offered by the school? Individual student or small group programs include the following: speech and language services; art, music or play therapy; purchase of augmentative devices; specialized equipment; hiring para-educators for both inclusive education and direct instruction; and hiring a special education teacher. School wide or large group programs include the following: implementation of research based reading programs;

behaviour programs; purchase of curriculum materials; and, hiring of a special education teacher. The school must provide information about these programs, which includes expected results, indicators of results, collection method, and a budget. The school must also provide a budget.

The final section in the work plan covers professional development. Schools must provide information on the activity, workshop or training, number of people expected to attend, number of days scheduled for the activity, expected results, indicators of results, collection methods, and a budget.

For each of the various programs included in the work plan, the schools must provide outcomes or expected results. These outcomes or expected results include improved reading levels, improved social interaction with peers, increased staff awareness, increased teachers' knowledge of IEPs, increased number of books, improved math scores, and improved classroom management. The performance indicators for these outcomes or expected results are extensive. The performance indicators include the following: increased attendance; decrease in office referrals; number of students receiving clinical services; decrease in referrals to other agencies; improved parental support; improved informal and formal test scores; improved grades on report cards; implemented and monitored functional IEPs; increased in attendance of staff and community at workshops; increased number/amount of resource materials purchased; increased number of grade 12 graduates; increased in the inclusion of special needs students in regular programming; increased teacher and parent satisfaction with local education programming; enhanced consultation and collaboration with teachers; enhanced positive interaction within the school; increased positive environment within the school and within the classrooms; improved success in transition from middle to high school; and increased in the number of community based staff to support inclusion of students with special needs.

The data source or collection methods to obtain these performance indicators are varied. The data source or collection methods include the following: workshop registration numbers; school attendance records; CTBS test scores (Canadian Tests of Basic Skills); student, parent, and teacher surveys; report cards; school office referral database; team minute meetings; school records; and review of resource files. For the 2009-2010 school year, all special education work plan must be submitted to the appropriate regional INAC offices by mid-June. Any changes to the work plan, (i.e., program or service) and the reason for the change must be submitted to INAC.

### *Funding and Assessments*

Special education funding is on a per year basis. There is no long-term programming or professional support. Special education program funding is “fixed” (INAC, 2007, p. 6), which means that special education funding cannot be transferred into a special education program, nor can surplus special education funding be transferred to another program. Any surplus special education program funding must be returned to the federal government.

First Nations students with special needs are assessed and identified both by individual formal assessments and school wide assessments. “Assessor fees” (INAC – Manitoba, 2009, p. F17; First Nations Education Steering Committee and the First Nations Schools Association [FNESC/FNSA], 2009, p.9) for a wide variety of assessments will be covered. Assessments include psychological, speech and language pathology, occupational and physical therapy. Other costs related to the assessments including materials, resources, and other psychological services **are** covered. Numerous assessment tests may be purchased by the school. These include Alberta Diagnostic Math Test, Alberta Diagnostic Reading Test, Brigance Inventories, Canadian Test of



Basic Skills, Canadian Achievement Test, Gates MacGinite, Kaufman WRAT, Key Math-Revised, Peabody Picture Vocabulary Test III, Woodcock Johnson III Tests of Achievement, Woodcock Johnson Reading Test, Wechsler Individual Achievement Test, and Vision and hearing Tools (INAC, 2009).

There are two dimensions for special education funding support. These two dimensions are Intervention Based Funding (i.e., High Cost Funding) and Low Cost Funding. Intervention Based Funding is “intended to fund direct support in the form of personnel, adaptive materials, and resource materials for students with severe to profound special needs” (INAC, 2009, p. 2). This type of funding is determined through the following Intervention Based Funding formula:  $\text{Base} + (\text{Nominal Roll} \times \text{Per Unit Allocation}) = \text{Intervention Based Funding Budget}$  (INAC, 2009, p.4). The Base is determined by the First Nation’s 2007-2007 Band Operated High Cost Special Education budget. The Nominal Roll is the number of students attending the school. The additional funding must be applied for using a work plan template. Based on the Intervention Based Funding formula, every school receives a minimum of \$20,000.

Schools also receive Low Cost Funding support. This type of funding is determined through the following formula (i.e., number of students  $\times$  \$581  $\times$  adjustment factor). Low Cost Funding support is part of the regular instructional funding that a school receives. This funding supports gifted programming, remedial instruction, clinical services and resource teacher staffing and programming (INAC, 2009).

### *Appeals*

Finally, there is an appeal process. However, the appeal is not to the federal government or INAC but to the “school administrating authority (e.g., Chiefs and Councils, or organizations

designated by Chiefs and Councils such as band/settlements, tribal councils, educational organizations, political/treaty organizations, public or private organizations and FNRMOs)” (INAC, 2006e, p. 14). A school administrating authority is expected to develop a formal appeal process in their special education policy. The appeal process must include the following: written procedures that are timely and fair; allow appeals from parents, guardians, and students; attempt to resolve concerns collaboratively; and advise parents of their rights.

### **Areas of Strengths and Challenges**

In the past few years, funding for special education has increased. The increase in funding and the development of FNRMOs have enabled First Nations schools to provide additional special education supports (e.g., assessment, identification, assistants, and professional development) for students and educational professionals. INAC’s *Special Education: National Program Guidelines* is a good start. It provides a framework where special education programs can be provided to First Nations schools. However, INAC’s *Special Education: National Program Guidelines* are just that – guidelines. These guidelines simply do not have the force of law. First Nations students with special education needs and their families do not have special education legislation that would clearly outline legal requirements of the federal government, legal roles and responsibilities, and provide for a legal right to appeal decisions and actions to the federal court system. Being a part of a “system” of special education without the necessary funding, administrative structures, programs, and personnel is a daunting task for First Nations schools and communities. These schools are often without the types of special educational support services that provincial schools take for granted (i.e., second and third level services).

First Nations must challenge INAC's focus on provincial comparability of special education programs and services for First Nations schools. Provincial comparability is policy of INAC. It is not a legal requirement. Rather than developing a comprehensive special education system that includes special education personnel, administrative structures, procedures, and programs and services for First Nations schools and communities, INAC simply chose to take the inexpensive route and focused on provincial special education programs without developing their own special education program levels of support and without provided provincial comparability of funding. First Nations schools are placed in a bind because they remain without adequate special education programs, funding, and services. Yet, INAC has statements about providing provincial levels of support to the First Nations schools that are false.

FNRMOs should be the remedy for the absence of special education support. These organizations should be able to provide the necessary special education supports (i.e., personnel, coordination of **programs** and services, assessments, programming, etc.). However, concerns have been noted about these organizations obtaining long-term funding commitments from INAC (Assembly of Manitoba Chiefs, 2005) and the professionalism of staff (Manitoba Keewatinowi Okimakanak, 2009, p.1).

There are real and substantive consequences to the current special education programs and services provided to First Nations schools and the focus on limiting funding rather than developing a unique system to deal with the delivery of special education programs and services to First Nations schools. A report (North-South Partnership, Mamow Sha-way-gi-win, 2007) on the First Nations' school in Mishkeegogamang Ojibway Nation describes the problems in obtaining nineteen special education assessments. Funding appears to be the main obstacle and focus of the current funding program. Throughout the program, approvals and funding have to be

sought. Then, “once resources are secured for an assessment, the assessment will recommend resources to meet the needs of the student. At this point the school needs to apply for funds again. They must identify the need to access the funding which creates a cycle of frustration” (p.17). This frustration results in teachers not identifying students who need special education services. It was noted that one student with identified special education needs had not attended school for a number of years due to the absence of supports.

First Nations in British Columbia provide another example of INAC’s focus on limiting funding rather than developing special education services and programs. A recent report (FNESC/FNSA, 2009) compared provincial funding levels with the funding provided by INAC to First Nations schools for identified First Nations students with special needs using the provincial special education categories. The result was that the First Nations schools were being shortchanged by between four and five million dollars. It was noted that the “funding shortfall” (p. 10) did not include the costs of administration and coordination of special education services to the First Nations schools in BC.

Essentially, INAC’s special education program is centred on providing First Nations schools with limited assistance from their respective FNRMO. The schools are expected to provide special education programming support, i.e., resource/special education teacher, from the low cost funding formula based upon the school population. High cost funding supports individual students with special needs. The Intervention-based approach is used to provide support to students with special needs without the required specialists and consultants.

A recent story in the *Winnipeg Free Press* (Martin, 2009) highlighted a number of difficulties faced by First Nations schools and educators throughout Manitoba. It was estimated that First Nations schools receive approximately 75% of the funding received by their provincial

counterparts. The funding shortfall resulted in difficulties in recruiting special education teachers. The story noted that “better special needs programming, with quicker identification of students with special needs” (p. H4) occurred when a provincial school division took over the operation of a First Nations school in Manitoba.

Throughout Canada, stories such as these are common for First Nations schools. The First Nation schools are expected to provide the provincial level of special education services but are not given provincial levels of special education funding. The First Nations schools are also without the same level of special education support from regional or provincial organizations as their provincial counterparts.

### **Conclusion and Recommendations**

In recent years, INAC has slowly begun to take steps to improve the services and programs provided to First Nations students with special education needs attending First Nations schools on reserves. First and foremost, INAC has increased funding and the development of the national special education program documents. However, the increased funding is not enough, because serious problems remain. First Nations schools remain without a comprehensive system of special education programs, services, and personnel. There is no evidence that these First Nations schools offer special education programs and services comparable to their provincial counterparts. First Nations schools remain largely isolated from other schools in terms of coordinated special education programs and services.

INAC officials have become too isolated from what is happening in First Nations special education programs. They appear to have moved away from being concerned with special education assessment, instruction and learning to focus on financial concerns. A long-term focus

on controlling expenses rather than on providing appropriate special education programs and services with corresponding qualified specialists, consultants, and administrators is actually a short-term focus. This approach will only lead to future increased needs and expenditures for special education for First Nations schools. The problems with INAC and INAC staff are best summarized by comments made by two officials from Frontier School Division, a provincial school division in Manitoba. The officials stated that “INAC staff are not educators” and “INAC doesn’t have an education focus – they’re in the business of funding” (Martin, 2009, p. H4).

First Nation schools need a comprehensive system of special education services and programs for their students, teachers, and communities. First Nations schools, students, parents, and communities require a comprehensive system of special education services and programs. Such a system must include an administrative structure, personnel (e.g., consultants and specialists), programs and services, and funding (e.g., adequate and long-term). Meeting this need will require a number of changes:

- a) First Nations must demand that the federal government of Canada honour their legal obligations with respect to First Nations special education by enacting an education law with a special education component. The education/special education law must not be hindered by a focus on provincial comparability. Current realities and future needs of First Nations schools and communities should be the basis for the development of the law. First Nations must have real and substantive collaboration and consultation in the development of such legislation.
- b) INAC must consult and collaborate with First Nations and their educational organizations to establish a comprehensive system of special education programs and services.
- c) INAC and First Nations should work with universities to establish training programs to develop special education consultants and specialists (e.g., school psychologists, speech and language pathologists, reading specialists, etc.).
- d) INAC must provide adequate funding for First Nations students with special needs on both an individual and a school-wide basis. Funding must also include support to regional and provincial educational organizations.

- e) First Nations education issues, including special education, must be included in the curricula of provincial departments of education, as well as university education courses.
- f) First Nations students with special needs who leave their First nations schools to have their special needs met in provincial schools should receive at least the provincial level of financial and services support.

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