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Special Education in First Nations Schools in Canada: Policies of Cost Containment

The education of First Nations students in Canada on reserve is the legal responsibility of the federal government. This article reviews and critiques the federal government's past and current special education policies and practices in regard to First Nations schools throughout Canada. The author has found that rather than establishing a comprehensive special education system for First Nations schools, the federal government has focused on limiting funding, services, and development. Four themes emerge from this review: (a) lack of willingness on the part of the federal government to honor constitutional obligations and responsibilities in special education to First Nations; (b) focus of providing provincial level of special education services resulted in little consultation with First Nations; (c) limited funding, and (d) lack of respect for First Nations expertise.

L'éducation des élèves des Premières nations vivant sur des réserves au Canada est la responsabilité légale du gouvernement fédéral. Cet article examine et critique les politiques et les pratiques du gouvernement fédéral - passées et actuelles - relatives à l'éducation spécialisée dans les écoles des Premières nations partout au Canada. L'auteur a constaté que plutôt que d'établir un système global d'éducation spécialisée pour les écoles des Premières nations, le gouvernement fédéral s'est attaché à limiter le financement, les services et le développement. Quatre thèmes ressortent de cet examen : (a) un manque de volonté de la part du gouvernement fédéral de s'acquitter de ses obligations et responsabilités constitutionnelles en matière d'éducation spécialisée pour les Premières nations ; (b) le fait de fournir des services en éducation spécialisée au niveau provincial a entraîné peu de consultation avec les Premières nations ; (c) un financement limité ; et (d) un manque de respect vis-à-vis l'expertise des Premières nations.

Currently, First Nation schools are not provided with adequate resources to allow them to provide the services and programs required by students with special needs. As a result, the rights of those students are not being realized. First Nation students with special needs are either not provided with the services and programs they require, or are unable to enroll in a First Nation school, denying them the right to attend the school of their choice, often forcing them and their families off-reserve to receive some basic level of service. (Assembly of First Nations [AFN], 2005, p. 45)

In 2008 First Nations students with special needs attending schools on reserves (i.e., First Nations) throughout Canada did not have available to them the level of special education services found in provincial school systems. The lack of a comprehensive system of special education services for First Nations schools is not a new occurrence. The federal government of Canada (i.e., the level of government responsible for First Nations education) and its department of

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Indian and Northern Affairs Canada (INAC) have been reluctant to develop such a system. Historically, INAC has provided the least amount of special education services and funding as possible. Cost containment appears to be the driving force in First Nations special education for the federal government of Canada. Before 1980, First Nations schools throughout Canada lacked “special education and other central office services” (INAC, 1982, p. 19). This report also noted that INAC funding would not provide for “psychological testing and special education for exceptional children” (p. 26). The lack of funding for special education services resulted in First Nations students requiring special education services being sent off-reserve to provincial or private schools (INAC, 1978).

The 1980s were a time when First Nations schools and communities began to question INAC about the lack of special education services in their local schools (Manitoba Indian Education Association [MIEA], 1986). Studies, reports, proposals, and policies were developed both by the federal government (INAC—Manitoba, 1984a; 1984b; WESTDIAND, 1986), while First Nations (MIEA, 1983; Assembly of Manitoba Chiefs [AMC], 1984) documented the current situation and made recommendations for changes. This advocacy resulted in the federal government providing limited funding support for special education services in First Nations schools (INAC, 1985). Support was based on total school enrollment. There was no additional funding for individually identified special education students.

During this time, the Minister of INAC acknowledged difficulties in special education funding and specialist services (INAC, 1986a). The Minister wrote that the First Nations schools did

not have available to them the kind of level of special education services which may be available to students in a provincial school ... It is my department's objective to provide for a level of education which is comparable to that provided by the neighbouring school jurisdictions. (INAC, 1986b, p. 2)

This objective of the provincial level of special education services meant that INAC began using provincial policies and guidelines as their templates (INAC—Manitoba, 1986).

The Assembly of First Nations (AFN, 1988a), in a policy review of First Nation education, found that the “federal government ... has given very little attention to the special education needs of First Nations students” (p. 91). Another review (AFN, 1988b) also noted that “research, resources, and facilities are required so that First Nations can effectively deal with the special education needs of their students” (p. 87) and that “discrepancies between First Nation and provincial school special education services was admitted in DIAND [i.e., INAC] literature” (p. 89). Concern was also expressed about student assessment and placement practices (including the lack of parental consent for assessment and placement) and the absence of local input into decisions. Finally, a review (AFN, 1988c) recommended that “improved methods of diagnosing special education students and increased special education service delivery must be resourced and offered to First Nation students” and that “comprehensive special education policies must be developed with the

participation of First Nation community members at the local and national level" (p. 34).

Phillips and Cranwell (1988) found that the removal of First Nations students with special needs to provincial schools "nullified the necessity to create special education programs within the local reserve community" (p. 118). The removal of students also meant that there was no need for a First Nations education body to provide special education services for First Nations schools and communities because the students requiring these services were not in the First Nations schools.

Despite the additional funding for special education from INAC, by the end of the 1980s First Nations schools continued to be without a comprehensive delivery system of special education services. Students requiring special education services continued to be sent to provincial schools (AFN, 1988b; McFarland, 1988; Ward Mallette, 1986).

Hull, Phillips, and Polyzoi (1995), in a review of special education services throughout Manitoba First Nations, found funding support for individually identified students, but an "absence of specialist support" (p. 52) and "no regional support system" (p. 59) for special education services. The funding provided for the individually identified special education students was to assume the costs of assessment as well as programming.

The AFN (1998) passed a resolution that noted that the lack of special education funding forced many First Nation students "to attend provincial/territorial schools to obtain special education services" and that INAC "does not provide adequate funding or resources to address First Nations special needs programming." Concern was also expressed about the high numbers of First Nations students requiring special education services (First Nations Education Council, 1992; Kavanagh, 1999).

The 1990s were a time of growing awareness of the need for a comprehensive system of delivery for special education services in First Nations schools throughout Canada. Reports, proposals, and other documents continued to be developed by First Nations for the establishment of a comprehensive system (AMC, 1991; Cree School Board, 1992). By the end of the 1990s, First Nations in Manitoba had established the Manitoba First Nations Education Resource Centre (2006) a province-wide special education support system. However, First Nations students requiring special education services continued to be forced from their communities throughout Canada (AFN, 1998).

The first decade of this century began with concerns about special education services in First Nations schools throughout Canada. Reports documented problems in funding (AFN, 2005; Auditor-General of Canada, 2004; Brant, 2000; Brown, 2005a; Dupuis, 2004; First Nations Education Council, 2000a, 2002; Hurton, 2002; INAC, 2002a; INAC—Saskatchewan, 2004; Matthew, 2001; More, 2003; Phillips, 2001), the absence of specialist services (AFN; Auditor-General of Canada, 2000; Brown, 2005b; Dupuis; First Nations Education Council, 2000b; More, 2004), as well as recommendations for developing a special education system for First Nations schools (AFN, 2000; Chiefs of Ontario, 2005; Cree School Board, 2006; First Nations Education Council, 2000; First Nations Education Steering Committee, 2006). In British Columbia, the First Nations Schools Association (FNSA, 2006), a province-wide body, was

mandated by First Nations schools to administer the special education funding in British Columbia.

Again, promises of a provincial level of special education services were made (INAC, 2002a, 2003, 2004; INAC—Saskatchewan, 2002). INAC used provincial government special education policies as guides for First Nation schools (INAC—Alberta, 2001; INAC—Saskatchewan, 2002). However, they did not match provincial funding levels on a per-student basis (Alberta Education, 2007; Phillips, 2001).

The use of provincial education policies may be viewed as an acknowledgment by INAC officials of their lack of expertise in special education. HLA Consultants (1993), in a review of special education services, noted inconsistencies that might have been the result of “decisions being made by individuals without a background in education” (p. 30). Hurton (2002) also commented on the lack of expertise of INAC staff in the area of special education. He found that, “there are few staff at regional offices with formal background in special education” (p. 23).

A study (Moore Daigle, 2000) in nine northern Ontario communities revealed the reality of the state of special education services in First Nations schools. The study reported that 57% of the First Nations schools had “little or no access to resources and professionals” (p. 7). Some of the schools’ special education needs included sufficient funding, speech and language services, health services, special education consultants, transition specialists, training in special education, and inclusion specialists. The absence of specialist support often resulted in a two-year delay in assessment and identification (Brant, 2000).

In 2002, INAC (2002b) released the *National Program Guidelines* for the special education program for First Nations students with identified special needs. The guidelines established First Nations Regional Managing Organizations (FNRMO) across Canada that would manage the special education funding. The FNRMOs would provide INAC with “program and financial data and other documentation” (p. 6). They were also expected to develop policies; provide professional development activities, specialists, and assessments; and report on special education funding. However, First Nations students with special needs continued to be sent away from their home communities and schools because of lack of specialist support (AFN, 2005; INAC, 2002a).

The AFN (2005) noted the reluctance of INAC to implement the recommendations and suggestions of First Nations. It found that INAC had focused on “comparability to provincial education systems and standards rather than accepting the policy, principles, funding mechanisms, and implementation strategies proposed by CCOE-NIEC [Chiefs Committee on Education/National Indian Education Council] and the AFN Education Sector” (p. 46). First Nations also complained about the difficulty of securing multi-year funding (AMC, 2005) and that INAC would “fund special education off-reserve ... but not on-reserve. It is seen to be unwilling to accept local recommendations” (p. 32).

In November 2006, INAC made a presentation to the Chiefs’ Committee on Education/National Indian Education Committee. The presentation, *First Nation Education: A Proposed Plan Forward* (INAC, 2006), noted that “First Nation

students are the only children in Canada not protected by education legislation" (p. 5) and that the result was "a lack of standards, weak accountability, and unstable funding" (p. 5). The presentation proposed the development of Regional Education Partnerships between First Nations groups and the provinces to "develop and implement in-class supports, build capacity for implementation of First Nations jurisdiction over education, and create complementary systems" (p. 7). The presentation also proposed the development of legislation to "establish a solid base for education programs and services by setting standards of service, accountability and funding comparable for other Canadians" (p. 7). These regional education partnerships would provide "second level services" (p. 8).

Nice words. However, the reality in First Nations education is different. In October 2007, two teachers working in First Nations schools in northwestern Ontario went on a hunger strike "to raise attention over the need for special education dollars" (Angus, 2007, p. 1).

Summary

Other citizens of Canada who send their children with special needs to schools can turn to provincial education laws to ensure that their children receive special education programs and services. However, First Nations parents on reserves do not have this option. There is no federal education law for First Nations education or special education, meaning that no law mandates the provision of special education services for those needing it. Many of the problems in First Nations special education are the result of the use of federal government policies, guidelines, and statements rather than a law establishing explicit protocols for First Nations children with special needs. Policies, guidelines, and statements can be changed and/or ignored. First Nations parents, leaders, education authorities, and schools do not have a legislative basis for the provision of special education services for First Nations students. This absence has resulted in these students being sent off-reserve to receive required special education services in provincial schools.

Sending students off-reserve for special education services has had many negative consequences for First Nations students, families, communities, and schools. Children lose contact with their parents, siblings, other community members, their language, and their culture. Families lose a son, daughter, aunt, or uncle, as well as the opportunity to acquire and develop a greater knowledge and increased skills in special education. Communities lose members and continue to lack services and programs for students with special needs. First Nations schools become substandard because they have not developed special education services and teachers, programs, and specialists that are comparable to those of the provincial education systems because the students who would have required these services are not there. The knowledge base or the awareness of special education has not been allowed to develop on-reserve and in the local First Nations schools. For over 30 years, the federal government has been aware of problems in the provision of educational services and programs for First Nations students requiring special education services attending schools on reserves throughout Canada. Initially, the government response was to send these students to provincial schools. Next, limited funding was provided as they stated that the goal was to provide special education

services comparable to those of a nearby provincial school. The next step was to provide funding based on individually identified special education students to the schools accepting these students on reserve. Recently, the thrust has been to provide support for First Nations regionally based education centers to provide some specialist support. However, at no time has the federal government attempted to develop a national system of special education services explicitly for First Nations schools.

The federal government's solution to First Nations special education requirements has been to look to the provincial system for special education services. In using provincial special education guides as the template for First Nations to follow, the federal government has not matched the provincial levels of financial, specialist, and administrative support. The absence of comparable supports has frustrated First Nations, because they are expected to follow the provincial guides, but are without the financial and human resources to implement them.

Holding the provincial systems as templates for First Nations special education has several problems. First, First Nations have had little or no input into the development of such a system. Second, there is no evidence that these provincial systems are appropriate and meet the needs of First Nations students who require special education services. Finally, it absolves the federal government from developing a system that is national in scope.

This review has many themes. The first is the lack of willingness on the part of the federal government and INAC to honor constitutional obligations and financial responsibilities in special education to the First Nations of Canada. Despite many years and countless policies, commitments, proposals, studies, and reports, First Nations schools and students lack a comprehensive system of special education throughout Canada. There can be no justification for this lack of such a system. A second theme is INAC's focus on the provincial level of special education services. This has meant that there has been little consultation with First Nations about the development of a special education system that reflects their needs. The provincial system does not incorporate or consider First Nations' views of exceptionalities or input from Elders. The current system of providing special education services in First Nations schools and communities throughout Canada is not really a *system*. It is haphazard at best. Students continue to be forced out of their communities and schools due to the absence of meaningful and adequate special education support on reserve.

A third theme is INAC's limited funding for special education. At no time has INAC provided adequate funding to provide a provincial/territorial level of special education services for First Nations schools. These schools are caught in the middle of federal inaction and an ever-increasing awareness of special education programs and services by First Nations peoples and communities. INAC's policies may be described as policies of special education cost containment rather than policies of special education program development (AMC, 1991).

A fourth theme is lack of respect for First Nations expertise. Funding is not the only issue. Increased funding alone is not the remedy for what ails First Nations special education. Needed is a change in the mind-set of federal (i.e., INAC) officials. It is obvious from this review that these officials do not have

the answers and are unreceptive to proposals offered by First Nations. A meaningful dialogue and cooperation between First Nations educational and political leaders and government officials is needed to establish a national comprehensive system of delivering both educational and special educational services for First Nations schools and communities throughout Canada. This national system of delivering special education services must be comprehensive and be assured of long-term funding.

Recommendations

First Nations students who require special education services must have assistance from trained teachers, specialists/consultants, teacher assistants, and administrators to ensure that their educational program needs are being met in their local First Nations schools. Their teachers require support from professionally trained specialists, consultants, and teacher assistants to plan, enact, and evaluate special education programs. First Nations parents need to know that their children's special education needs are being met in their local school. First Nations communities need these professionals to ensure that their children are not sent off-reserve for their education.

It is time to develop a national comprehensive system for First Nation students with special needs. This system must be independent of provincial systems and respect First Nations communities, cultures, values, languages, and learning styles. First Nations must have real input in the development of this system. The federal government must provide funding to development and support such a system. Recommendations include:

1. The federal government of Canada must enact an *Indian Education Act* that would include a special education section. This Act must be developed in meaningful consultation with and input from First Nations. This input would include regional and national meetings with Elders, parents, students with special needs, teachers, and administrators in First Nations communities. The law must provide national standards and funding for a comprehensive system of special education services and programs for First Nations schools, communities, and students. The system should include such elements as an administrative structure, certified specialists, and operating procedures (i.e., screening, parental consent, assessment, eligibility and placement, IEPs, and confidentiality).
2. A national center of First Nations special education must be established. This center would provide First Nations schools and communities with advocacy, research, and professional development in special education. The center would have qualified specialists and administrators who would interact with officials from INAC to ensure the continuation of program funding. The center would provide professional development services (e.g., conferences and workshops in First Nations/minority and special education issues (e.g., assessment, teaching strategies, funding initiatives, First Nations views of exceptionality, etc.).
3. Regional centers such as the Manitoba First Nations Education Resource Centre and the First Nations Education Steering Committee should be established throughout Canada. These centers would provide specialist support (e.g., school psychologists, speech and language pathologists, reading clinicians, learning disabilities consultants, etc.) administrative

support (e.g., directors of special education, special education coordinators, etc.) and advocacy (e.g., researchers) for First Nations schools and tribal councils. These centers would also provide conferences and workshops.

4. University programs must be developed throughout Canada to train First Nations educators to become special education teachers, resource teachers, specialists, consultants, administrators, and teacher assistants. These training programs would increase the knowledge base in First Nations special education in First Nations schools and communities. These programs should also incorporate a First Nations perspective on special education that respects First Nations languages, cultures, values, and learning and teaching styles.

Conclusion

For over 30 years the federal government of Canada has used the provincial special educational systems as their guide. However, never has sufficient funding been provided to First Nations to match the provincial system of special education services. Increased funding has always been provided piecemeal with little thought to the development of a *system*. Such a system requires more than funding individually identified students or based on total school enrollments. A comprehensive system of delivering special education services includes an administrative structure; types and numbers of special education students; operating procedures; and certified specialists, programs, and assignment of responsibilities (Phillips, 1994).

It is important to remember that the current system is simply not working. Too many needs are unmet in First Nations schools. Government policy has been to look to comparability to provincial systems. However Peter Garrow, Director of Education at AFN sums up the frustration of First Nations with his observation that "INAC continues to tout that bringing First Nations education to par with their provincial counterparts is its priority, but fails to provide sufficient funds to allow for this to happen" (Waywataynews, 2006, p. 2).

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