A Commentary: Education in Canada—Does Anyone Read Our Constitution?

Ron Phillips  
*Nipissing University*

**Abstract**

*Education in Canada is generally considered to be within the exclusive domain of the 13 provincial and territorial governments. There are numerous statements or writings from politicians, textbook authors, federal and provincial governments, researchers, newspaper columnists, as well as education organizations that state unequivocally that education in Canada is the exclusive jurisdiction of the provinces and territories. Some statements indicate that the federal government has no constitutional role in education. Such misinformation and beliefs have had severe consequences for First Nations as Canadians absolve federal inaction in First Nations education because “education is a provincial responsibility.” However, education in Canada is the constitutional responsibility of both the federal and provincial/territorial governments. This article examines the federal government’s constitutional responsibility in education, as well as the consequences of the misinformation.*

**Keywords:** First Nations education, education in Canada, education misinformation

Ron Phillips, PhD., and Associate Professor, Schulich School of Education, has been involved in First Nations education for 40 years. He has focused on the federal government’s constitutional education responsibilities, as well as the lack of adequate education programs and services for First Nation youth.

Email: ronp@nipissingu.ca
It’s about time. On October 19, 2016, Academica Group (2016) reported in its Indigenous Top Ten publication that the Canadian Broadcasting Corporation (CBC) had a briefing note prepared for Indigenous Affairs Minister Carolyn Bennett. The article’s headline—“Canada Must Build Structured K-12 Indigenous Education Systems”—acknowledged First Nations-managed schools and communities were without educational systems due to a “persistent federal funding gap and lack of structures and resources” (para. 1). Other comments in the briefing noted the absence of “proper curriculum development, teacher training, testing and quality assurance or the support structures available to non-Indigenous schools such as a school board, elected trustees, or an education Ministry” (para. 1).

An earlier briefing note titled Departmental Two Percent Escalator. Ministerial Briefing (Aboriginal Affairs and Northern Development Canada [AANDC], 2016), marked SECRET, reviewed the federal government’s funding of First Nations programs, including education. Since 1997/98, the government has restricted funding increases for First Nations to 2% annually.

Federal bureaucrats were aware that this 2% increase had “not kept pace with the growing needs and increasing costs” (AANDC, 2016, p. 4). They recognized the difficulty of aligning federal programs to that of the provinces and territories “when provincial funding and benefits are growing at a higher rate” (p. 4). The bureaucrats also acknowledged that the 2% increase resulted in “a shortfall in base funding” (p. 5) and that some programs such as education “have insufficient on-going base funding to keep pace with costs and cost drivers, provincial/territorial expenditures and service levels” (p. 6).

How was this possible in 2016? Why were we discussing required educational structures, curriculum development, teacher training, assessments, as well as increasing funding for First Nations-managed schools and communities at this time? These education structures, programs, and services are common throughout provincial and territorial education systems. Why were they lacking in First Nations-managed schools and communities?

There are two answers. The first is that it’s only First Nations. Historically, First Nations issues have never been important to federal politicians and bureaucrats. The second is the mistaken belief that education is exclusively a provincial/territorial jurisdiction.

However, the Minister’s Briefing Notes were recommending the establishment of an educational system with all of the necessary supports because it’s the federal government’s constitutional responsibility to do so. Otherwise, the provincial/territorial governments would be challenging the federal government’s intrusion into their constitutional jurisdictions.

The federal government has had constitutional responsibilities to First Nations since Confederation in 1867. However, for many years the federal government has chosen to ignore its constitutional responsibility in education because the establishment, development, and operation of an education system is expensive, requiring education structures, qualified personnel, and operating procedures. The federal government also allowed and encouraged Canadians and the international community to falsely believe that constitutionally education is exclusively a provincial jurisdiction.

It’s about time that the federal government came to the table with concrete plans to establish a comprehensive system of education. It has been too long. The time for change is now.

This paper investigates these mistaken beliefs and statements. It sheds some light on the consequences of these beliefs and statements for First Nations schools and communities.
Background

On April 13, 2010, the Assistant Deputy Minister of Education and Social Development Programs at AANDC spoke to the Standing Senate Committee on Aboriginal Peoples (SSCAP, 2010). She acknowledged the absence of a comprehensive system of education for First Nations students. She admitted to the Committee that “we do not have a system of education” (p. 9) and that First Nations schools are funded on “a single school model” (p. 9). She also admitted that the federal government’s AANDC department “could not provide the level of expertise provided by the provinces” (p. 9) and that AANDC does “not claim to have huge expertise in post-secondary or kindergarten-to-Grade 12 education” (p. 9).

In December 2011, the SSCP released its report on the education of First Nations students in Canada. The report, Reforming First Nations Education: From Crisis to Hope (SSCAP, 2011) was the result of meetings with federal officials, First Nations educator leaders, and provincial educators in Ottawa and across Canada. The report estimated that the federal government was responsible for the education of 120,000 First Nations students who live on First Nations in Canada. These students attend one of three different types of schools: Approximately 60% attend one of the 518 First Nations-managed schools, 40% attend a provincial school, and less than 2% attend one of the seven federal government schools. The report began by noting “7 out of 10 First Nations students will not graduate from high school this year. In far too many others, countless First Nations children will never attend a school equipped with libraries, science and technology labs or athletic facilities” (SSCAP, 2011, p. 1).

Canada’s Constitution and Education

Canada became a country when the British Parliament passed the British North America Act, 1867. In 1982, the British North America Act, 1867 was patriated and renamed Constitution Act, 1867. This act was revised and renamed Constitution Act, 1982.

Sections 91 and 92 of the Constitution Act, 1867 clearly defined the separation of authority or legislative powers between the federal and provincial governments. Each level of government has exclusive authority in certain areas.

In the Distribution of Legislative Powers (Government of Canada, 2019a), the federal government was given exclusive authority under the Constitution Act, 1867, Section 91 (Powers of the Parliament). These ranged from: (5) Post Office, (12) Sea Coast and Inland Fisheries, to (24) Indians, and Lands reserved for the Indians. In total, 29 areas were assigned to the federal government.

The provincial governments were given authority under the Constitution Act, 1867, Section 92, Exclusive Powers of Provincial Legislatures (Government of Canada, 2019a). This section stated “In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated.” This was followed by 16 areas that ranged from Direct Taxation within the Province in order to the raising of a Revenue for Provincial Purposes, Municipal Institutions in the Province, and Generally all Matters of a merely local or private Nature in the Province.

Education is noticeably absent in the exclusive responsibilities of either the provincial or federal legislatures. Education is not found in either Section 91 or Section 92 of the Constitution Act, 1867.

However, education may be found in the Constitution Act, 1867, Section 93, Legislation respecting Education (Government of Canada, 2019a), which states that “In and for each
Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions:

(1) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union;

(2) All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen’s Roman Catholic Subjects shall be and the same are hereby extended to the Dissentient Schools of the Queen’s Protestant and Roman Catholic Subjects in Quebec;

(3) Where in any Province a System of Separate or Dissentient Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen’s Subjects in relation to Education;

(4) In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf, then and in every such Case, and as far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any Decision of the Governor General in Council under this Section.”

In summary, subsection 93(1) of the Constitution Act, 1867 involves the rights and privileges of Denomination schools, as well as people in general. It would not affect any of their rights and privileges.

Subsection 93(2) involves the rights of Separate Schools and Catholic subjects in Ontario. It would ensure that their powers and privileges would be extended to Protestant and Catholic Schools in Quebec.

Subsection 93(3) involves the powers of the Governor General. Appeals from Provincial Acts or Decisions that affect the Education Rights or Privileges of Roman Catholic or Protestant Minority are to be made to the Governor General.

Subsection 93(4) clearly demonstrates that the Parliament of Canada has constitutional responsibilities in education as it “may make remedial Laws” (Government of Canada, 2019a) when there has been an Appeal to the Governor General and it has been determined that the Governor General’s decision has not been followed. The federal government has this authority if it can be determined that provincial governments are failing to implement the decisions of the Governor General in the case of appeals.

Let’s examine the first part of the Constitution Act, 1867, Section 93: “In and for each Province the Legislature may exclusively make Laws in relation to Education” (Government of Canada, 2019a). This statement is simple and direct. The provinces have constitutional responsibility for education within their territories and jurisdictions. However, there is no mention or indication that this responsibility is extended to federal areas of jurisdiction. Rather, Section 93 states that the federal government may involve itself in provincial affairs of an educational nature and pass education laws if certain conditions are met. A reading of Section 93 in its entirety indicates that both the provincial and federal governments have jurisdiction in education.
There are at least three federal areas of jurisdiction in which the federal government has constitutional education responsibilities. The first may be found in subsection 91(7) which deals with Militia, Military, and Defence. Military members and their children would have to be educated. Officers and those who wish to become officers within the Canadian military may attend The Royal Military College of Canada (RMC) in Kingston, Ontario. The RMC is a postsecondary educational institution that “is the only federal institution in Canada with degree granting powers” (“Royal Military College of Canada,” 2019, para. 1). It describes itself as “a university with a difference” (Royal Military College of Canada (n.d., para. 1). It was established in 1876.

Historically, the federal Department of National Defence (DND) was very reluctant to provide for the education of children of military personnel. Morin (1986), in a history of DND Dependents’ Schools, wrote that until 1947 “it had been DND policy that the education of such children was the responsibility of the parents and the local school boards concerned” (p. xii). However, on April 3, 1947, authorization was given to DND “to establish schools in establishments, camps and stations where suitable educational facilities were not available within a reasonable distance” (p. 16).

The second area of federal constitutional educational responsibilities is in penitentiaries. A federal department, Correctional Service Canada (CSC), is responsible for penitentiaries throughout Canada. CSC provides inmates with a variety of educational programs ranging from “Adult Basic Education (Grades 1 to 10), Secondary Education, Vocational, College, and University level programs” (CSC, 2015, p. 1).

In 2015, CSC posted on its web-page a story from The Globe and Mail about Mr. Lee McNaughton, a teacher who had spent 10 years “teaching inmates in segregation at a federal institution” (McNaughton, 2015, para. 1). He noted that “Federal institutions offer high school programs with a school in every institution” (McNaughton, 2015, para. 9). The delivery of these education programs and courses may include regular classroom instruction, as well distance learning via computers. The course instructors are “qualified educators” (CSC, 2015, p. 2).

Federal responsibility in education may also be found in subsection 91(24) that gave the federal government exclusive authority over “Indians, and Lands reserved for the Indians” (i.e., First Nations). Indian or First Nations children living on federal lands or Reserves were outside the jurisdictions of the provinces. The provincial government’s education authority would not extend to them as they were not “In and for each Province.” The reserves are part of the federal government’s area of constitutional authority as are penitentiaries and military bases.

When the Constitution Act, 1867 was patriated, revised, and renamed the Constitution Act, 1982, two additional parts were added: Part I – The Charter of Rights and Freedoms, and Part II – Rights of the Aboriginal Peoples of Canada. Subsection 35(1) of Constitution Act, 1982 Part II states “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.”

First Nations children living on First Nations/reserves throughout Canada would have to be educated. An education provision or clause was included in the 11 numbered treaties signed between First Nations and the Crown (Her Majesty/His Majesty). Each of the 11 numbered treaties contained an education clause. For example, these responsibilities included maintaining a school—Treaties 1 and 2 (Indigenous and Northern Affairs Canada [INAC], 2013b); paying teachers—Treaty 7 (INAC, 2013a), and making provisions for the education of Indian children— Treaty 10 (INAC, 2013c).
The federal government has also enacted the *Indian Act* (Government of Canada, 2019b). The *Indian Act* has education provisions that define the educational authority and responsibilities of the federal minister of INAC. Subsection 114(2) specifies that the Minister of INAC has the authority to “establish, operate and maintain schools for Indian children.” The next subsection (115) assigns further education responsibilities to the Minister as “The Minister may (a) provide for and make regulations with respect to standards for buildings, equipment, teaching, education, inspection and discipline in connection with schools; and (b) provide for the transportation of children to and from school.”

These subsections of the *Indian Act* clearly indicate that the federal government has constitutional responsibilities in education. If education was “exclusive to the provinces/territories,” as many individuals and organizations assert, these sections of the *Indian Act* would be rendered unconstitutional and illegal.

In summary, the *Constitution Act, 1867* and *Constitution Act, 1982* assign education responsibilities to both the federal and provincial governments. Each has this responsibility within its respective areas of jurisdiction.

**Misinformation on Federal Constitutional Responsibilities**

The assumption that education in Canada is the exclusive constitutional responsibility of the provinces/territories may be found throughout the literature, including academic research, newspapers, government documents, and reports. Canadian and international educational organizations alike espouse similar statements.

In a speech at the Empire Club in Toronto on March 3, 1966, two ministers of education, Hon. W.C. Davis (Ontario) and P. Gerin-Lavoie (Quebec) spoke of the importance and the future of education in Canada. The title of their speeches was *Education. A Priority and a Provincial Responsibility* (Davis & Gerin-Lavoie, 1966).

The Canadian Teachers’ Federation (CTF) is clear which level of government has constitutional jurisdiction in education. In the Resources section of its website, there is a page titled *Teaching in Canada: Make a Difference—Be in Charge* (CTF, 2019). Education is listed as a provincial responsibility as

In Canada, education does not fall within the scope of federal jurisdiction—it is the singular responsibility of each province or territory. Under the British North America Act of 1867, each province and territory has the power to establish its own autonomous education system and to make all decisions regarding school, teachers and curriculum pertaining to education within the specific province/territory. (CTF, 2019, para. 1)

The CTF (2019) describes First Nations schools as “schools which operate under the jurisdiction of the Aboriginal bands in the provinces and territories” (para. 2). Note the absence of federal responsibilities for First Nations schools.

Another national education organization, the Canadian Education Association (CEA, 2007) has stated that there is “no means for direct federal involvement in the direction of primary and secondary education. Education is exclusively within the jurisdiction of provincial and territorial governments” (p. 1). First Nations schools were mentioned. They received “funds” (CEA, 2007, p. 1) from the federal government. There was no mention of federal responsibilities.

Ten years later, the CEA continues to assert provincial exclusivity in education. On its website’s FAQs page, the CEA (2017) indicates that “Education is complex, made more so in Canada because under our Constitution legislation and regulation, it is the separate responsibility of each province and territory” (para. 1).
The Canadian School Boards Association (CSBA), in a description of the Canadian education system, ignored First Nations and federal schools and their school boards. The CSBA (2019) believed that “In Canada, education is the responsibility of provincial governments” (para. 1).

The Canadian Education Centre (CEC) Network’s Study Canada website provides information to international students who are interested in studying in Canada. Under a heading titled “The Education System in Canada,” the Study Canada site notes that “Education is a provincial responsibility under the Canadian constitution” (CEC, 2003, para. 2).

The Ministry of Education in Ontario perpetuates the myth that education is a provincial responsibility on its website. Under a heading titled The Ontario Government and the Education Act, the Ministry notes that “Education is a provincial government responsibility in Canada” (Ontario Ministry of Education, 2019, p. 1).

The Canadian Information Centre for International Credentials (CICIC) provides education information to interested immigrants to Canada. The CICIC indicates on its website that education in Canada is a provincial responsibility. On a page titled Ministries/Departments Responsible for Education in Canada, the CICIC (2019) notes “Canada is a federation of 10 provinces and three territories. Under the Canadian Constitution, provincial governments have exclusive responsibility for all levels of education” (para. 1).

Education textbooks and articles make similar claims of provincial exclusivity in education. The textbook Special Education in Canada (Edmunds & Edmunds, 2008), under the heading Legislation Affecting Special Education noted that “In Canada, education is the jurisdictional responsibility of the thirteen individual provinces and territories” (p. 15). A second edition of the textbook includes the same statement (Edmunds & Edmunds, 2014, p. 12).

Similar thoughts may be found in other special education texts. For example, Teaching Students With Special Needs in Inclusive Settings indicates that in “Canada, education falls under the provincial/territorial jurisdiction” (Smith et al., 2009, p. 3).

Education textbooks and journals may simply ignore federal involvement and responsibilities in education. In a chapter titled “The Current State of Exceptional Education in Each Province and Territory,” Hutchinson (2014) provides websites on special education programs and policies for each province and territory. There was no website corresponding to federal programs and policies (i.e., INAC special education policies).

Researchers and policy analysts within Canada appear not to have read our constitution. The Canadian Centre for Policy Alternatives (CCPA, 2015) in a review of inclusive education policies, procedures, and practices throughout Canada ignored federal government special education policies “because education comes under provincial and territorial jurisdiction” (p. 5). The report also noted the absence of federal guidance in inclusive education across Canada as “Education in Canada is under provincial or territorial jurisdiction” (CCPA, 2015, p. 8).

Federal special education policies are not mentioned in the international education journal Teaching Exceptional Children. Dworet and Bennett (2002) noted that “Special education in Canada—unlike that in the United States—is solely controlled by each of the 10 provinces and three territories” (p. 22).

The Parliament of Canada (n.d.) also appears to have ignored or forgotten the federal government’s constitutional responsibilities in education. In a section describing the three levels of government in Canada (e.g., federal, provincial, and municipal), it noted that “In each of the 10 provinces in Canada, the provincial government is responsible for areas listed in the Constitution Act, 1867, such as education, health care, some natural resources, and road regulations” (Parliament of Canada, n.d., para. 5).
Canadian federal politicians have viewed education as a provincial responsibility. In 2010, Conservative MP Maxime Bernier used the constitution and the wishes of the Fathers of Confederation for the federal government to get out of areas of provincial jurisdiction. This included education, as Bernier believed that “The federal government today intervenes massively in provincial jurisdiction, and in particular in health and education, two areas where it has no constitutional legitimacy whatsoever. This is not what the Fathers of Confederation had intended” (as cited in Leblanc, 2010, p. A12).

Newspaper columnists may also be mistaken in their views of education in Canada. *Globe and Mail* columnist John Ibbitson (2005) dismissed federal involvement in education by noting that “the provinces are entirely responsible for elementary and secondary education” and adding in that “in one solitary field, elementary and secondary education, the feds don’t get involved.” (p. A4).

The misconception of education exclusivity to the provinces and territories includes federal government departments. For example, Statistics Canada’s (2009) report on *Education Indicators in Canada* makes reference to “In Canada, where education is a provincial and territorial responsibility” (p. 1).

Indigenous and Northern Affairs Canada (INAC), the federal department responsible for providing programs and services for First Nation communities throughout Canada, continues the misinformation on its education responsibilities in Canada. The department appears to be reluctant to use the word “constitutional” in describing its responsibilities. Rather, INAC uses such terms as “funds” (INAC, 2019a), “provides funding” (INAC, 2018a, 2019b), “helps eligible students” (INAC, 2018b), and “provides support for services on reserves such as education, housing, community infrastructure and social support to Status Indians on reserves” (INAC, 2017).

Another federal department, Human Resources Skills Development Canada (HRSDC, 2008), also describes the federal government’s responsibility in First Nations education as providing “funds” (p. 1) for education services. Nowhere throughout these many descriptions of federal government responsibility in First Nations education is the word “constitutional.”

The federal government’s reluctance to acknowledge its constitutional responsibilities in education has enabled the Council of Ministers of Education, Canada (CMEC), an organization composed of provincial and territorial ministers of education, to assume national and international responsibilities in education. The CMEC was established in 1967 and describes itself as “the collective voice of Canada’s ministers of education” (CMEC, 2015, p. i). The national and international aspects of the CMEC are important as it “provides leadership in education at the pan-Canadian and international levels and contributes to the exercise of the exclusive jurisdiction of provinces and territories over education” (CMEC, 2017, para. 2).

At a conference of Commonwealth Ministers of Education, the CMEC was very clear on which level of government had constitutional responsibilities in education. The CMEC’s report noted that “… the provinces retain constitutional authority for education in all lands, the federal government provides for the education of registered Indians and Inuit people” (CMEC, 2000, p. 5).

The idea that education is a provincial responsibility permeates Canadian society. No one questions such assertions. For example, in early December 2015, Ms. Anna Marie Tremonti, host of the CBC’s nationally broadcasted radio program *The Current*, made a comment about education in Canada while discussing the struggles of teachers preparing for the influx of Syrian children: “of course, education is a provincial jurisdiction. Absolutely” (“Teachers Struggle,” 2015).
Discussion

The Constitution Act, 1867 and the Constitution Act, 1982 give the federal government of Canada authority for education within its areas. These acts allow the federal government of Canada to pass laws in education.

The federal government operates and is responsible for schools on military bases, penitentiaries, and First Nations. If education was strictly an exclusive provincial constitutional responsibility, these schools would be illegal.

Let’s read Section 93 again: “In and for each Province.” The provinces were given authority for education within each province. However, there is a limit to this authority—it’s only “In and for each Province.” There is no indication that this authority was extended to federal areas of jurisdiction or lands. It is restricted to the province. Provincial authority for education is restricted to provincial lands and areas of jurisdiction.

This restriction has been overlooked by many commentators, newspapers columnists, textbooks, politicians, and both national and international education organizations. These individuals and organizations have perpetuated the myth that education in Canada is the exclusive responsibility of the provincial and territorial governments.

How is it possible that the constitutional responsibilities in education of the federal government of Canada have been swept under the rug for so long? These responsibilities have been in existence since 1867. When our constitution was patriated in 1982, these educational responsibilities were more pronounced, obvious, and clearly stated; that is, Treaty rights. However, incorrect statements and assumptions continued.

Questions must be asked. For example, why is the federal government reluctant to use the word “constitutional” in its responsibilities in First Nations education?

The most obvious answer is that the matter involved Indians or First Nations. No one really cared about them. The federal government was allowed to ignore its constitutional responsibilities by emphasizing that while it “funds” First Nations-managed schools, the First Nation is responsible for them. There was no mention of the constitution.

The result was a non-system of federal or First Nations-managed schools across Canada. These schools continue to be without education programs, personnel, and services that provincial schools take for granted (e.g., libraries, science labs, technology, and specialists).

Another reason for the misinformation is very simple—most people have not actually read the Constitution Act, 1867 or Constitution Act, 1982. If textbook writers, newspaper columnists, federal and provincial ministers, and national and international educational organizations all state that education is the exclusive responsibility of the provinces and territories in Canada, then it must be true.

However, the facts do not support such statements. The federal government of Canada has constitutional responsibilities in education. These responsibilities may be found in subsections 91(7), 91(28), and 91(24) in both the Constitution Act, 1867 and the Constitution Act, 1982.

If the federal government lacked constitutional responsibilities in education, then schools on military bases, penitentiaries, and First Nations throughout Canada would be operating under the authority, policies, and regulations of a provincial or territorial ministry of education. However, this is not the case. They are operating under the authority, policies, and regulations of a federal minister and department—for example, Correctional Service Canada, Department of National Defence, and Indigenous and Northern Affairs Canada.

Another reason for the lack of acknowledgement of the federal government’s constitutional role in education is money. The federal government didn’t want to spend much on the education
of Indians/First Nations. If education is perceived to be a provincial responsibility, then the issue of the past and current poor state of First Nations schools may be glossed over by the federal government by statements of “funding” First Nations-managed schools with no mention or concerns of constitutional responsibility. The current poor state of First Nations-managed schools can be put at the feet of the First Nations as they are responsible for their operation. Essentially, the federal government has absolved itself of any real responsibility.

However, questions must be asked. How is this possible that we are discussing needed educational structures, curriculum development, teacher training, assessments, as well as increasing funding for First Nations-managed schools and communities in 2019? These educational structures, programs, and services are common throughout provincial and territorial education systems. Why are they lacking in First Nations-managed schools and communities?

There are two answers. The first is that it’s only First Nations. Historically, First Nations issues have never been important to federal politicians and bureaucrats. The second is the mistaken belief that education is exclusively a provincial/territorial jurisdiction.

However, First Nations issues have become more prominent recently. The Truth and Reconciliation Commission of Canada (TRCC, 2015) has issued its reports on past federal governments’ actions in the removal of First Nations children from their homes and communities to attend residential schools operated by churches. First Nations students suffered many abuses in these residential schools established by the federal government of Canada. Government actions were called “cultural genocide” (TRCC, 2015, p. 1).

It’s about time that the federal government came to the table with concrete plans to establish a comprehensive system of education. It has been too long. The time for change is now.

Recommendations

The federal government, as well as provincial and territorial governments, must provide Canadians and the world community with accurate information on the Constitution Act, 1867 and Constitution Act, 1982. The federal government has constitutional responsibilities in education. This can be accomplished by:

2. The federal government acknowledging that the schools on First Nations are federal schools that are managed by the local First Nation. These federal First Nations-managed schools operate under the policies, regulations, and procedures on the federal department of Indigenous and Northern Affairs Canada.
3. The Prime Minister of Canada speaking in the House of Commons to describe the federal government’s constitutional role in education in areas of federal jurisdiction.
4. The federal government becoming a member as well as the head of the Council of Ministers of Education, Canada (CMEC). Previous CMEC statements of education being an “exclusive provincial responsibility” must be corrected.
5. First Nations schools representing Canada in national and international education assessments. Such actions may encourage the federal government to provide these schools with sufficient funds to develop a comprehensive system of education.
References


---

In 2017, the federal government department of Indigenous and Northern Affairs Canada (INAC) was dissolved and two new departments were created: Indigenous Services Canada (ISC) and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC). First Nation education was placed in Indigenous Services Canada. The department has been known as Indian and Northern Affairs Canada (INAC) and Aboriginal Affairs and Northern Development Canada (AANDC).