# Policy Proposal First Nations Post-Secondary Education

Policy Co-development Team Assembly of First Nations National Indian Education Council Indigenous Services Canada

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<sup>1</sup> Original document was drafted in English.

#### **PREFACE**

A region, for the purpose of this document, is defined as any territory which First Nations choose to implement First Nation control of First Nation education and negotiate First Nations post-secondary education models. This could include, but not be limited to, a territory defined as a single First Nation, Tribal Council, Treaty affiliation, language family, or an entire province. Only Treaty First Nations will speak for Treaty First Nations.

First Nations have the right to self-determination in all aspects relating to education. Authority and autonomy rests with, and will continue to reside with, First Nations at the local level. The government of Canada will not undertake any unilateral decision making or impose mandatory use of regional bodies to allocate funding.

#### **SUMMARY OF RECOMMENDATIONS**

**ISSUE:** How to strengthen the Government of Canada's support for First Nations post-secondary education through Treaty Based, self-government and/or regional models that enable First Nations control of First Nations education.

**DECISION:** It is recommended that the Minister of Indigenous Services ("The Minister") be authorized by Cabinet to implement a two part approach to strengthening First Nations Post-Secondary Education by:

- 1. Implementing immediate new investments of \$544.3M including:
  - A) \$427.3M annually in modernized post-secondary education programs starting in 2019-2020, and
  - B) \$124.5M transitional funding for secondary upgrading and/or completion, starting in 2019-2020 and ongoing.
- 2. Supporting development of First Nations-led Treaty based, self-government based and /or regional<sup>2</sup>-based processes to develop First Nations models that will best support First Nations post-secondary education, inclusive of preparation, through a three year \$15.5M investment, starting with \$7.5M in 2019-2020.

RATIONALE AND KEY CONSIDERATIONS: First Nations assert their right and responsibility to direct and make decisions regarding all matters relating to First Nations lifelong learning as an Inherent and Treaty Right and Post-Secondary Education is a fundamental element of this continuum. There is a persistent gap between First Nations post-secondary education attainment and those of other Canadians, a gap that has widened in the last two decades<sup>3</sup>. According to the 2016 Census data, 73% of non-Indigenous Canadians have attained post-secondary education as compared with 62% of First Nations. In order to close this gap, 78,000 additional First Nations people, not currently enrolled, would need to attain post-secondary education credentials. In addition, 2016 Census data illuminates that the overall gap in post-secondary education between First Nations and non-Indigenous people is directly related to the persistent gap in university attainment.<sup>4</sup>

Since 1996, the number of students funded through the Post-Secondary Student Support Program (PSSSP) has been capped at approximately 23,000 students, despite consistent increases in First Nations population and high-school graduation rates. The cap in funding to the PSSSP, among other historical factors has resulted in an over-representation of First Nations in the trades and colleges, leading to an increase in the gap in university attainment. Less than half of students funded through the PSSSP are funded to complete a university diploma, degree or certificate.

<sup>&</sup>lt;sup>2</sup> A region, for the purpose of this document, is defined as any territory which First Nations choose to implement First Nation control of First Nation education and negotiate First Nations post-secondary education models. This could include, but not be limited to, a territory defined as a single First Nation, Tribal Council, Treaty affiliation, language family, or an entire province. Only Treaty First Nations will speak for Treaty First Nations.

<sup>&</sup>lt;sup>3</sup> 2018 Spring Reports of the Auditor General of Canada to the Parliament of Canada, Report 5 – Socioeconomic Gaps on First Nations Reserves – Indigenous Services Canada, Section 5.18.

<sup>&</sup>lt;sup>4</sup> AFN PSE Fact Sheet, 2018.

The economic benefits of improved First Nations education and employment outcomes are indisputable. Data from the national Census show that the employment gap between First Nations and non-Indigenous Canadians essentially closes with increased university attainment. <sup>5</sup> Furthermore, research estimates that closing the First Nations education gap would increase First Nations contributions to the GDP by 45% over baseline measures. <sup>6</sup>

While more and more First Nations people are seeking post-secondary education, there continues to be an outstanding adult education need as well. First Nations require new approaches in order to fully meet community needs. Notably, many First Nations require funding for transitional education for secondary upgrading and/or completion to prepare them for post-secondary education attainment. 2016 Census data shows that 36% of First Nations population aged 25-64 have not attained a high school diploma. Moreover, the 2018 Auditor General of Canada Report on Socioeconomic Gaps on First Nations Reserves highlighted that 14.5% of on-reserve students received completion certificates as compared to only 2% of non-First Nations students in British Columbia, over the same period of time, creating challenges in identifying how many First Nations graduating students might not be eligible to attend post-secondary institutions. This funding will work towards improving post-secondary access to First Nations women and their families.

New approaches would also include modernized supports for First Nations established institutes of higher learning and the establishment of models consistent with The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), Article 14.1 and the right to establish and control institutions providing culturally and linguistically relevant methods of teaching and languages. These institutes increase post-secondary education attainment rates by providing the holistic, culturally relevant supports that drive First Nations student success<sup>9</sup>. Currently, First Nations established institutes have to rely on proposal based funding that unfairly forces them to compete against larger, provincial and territorial post-secondary institutions, historically resulting in insufficient and unpredictable funding for these institutes.

Moreover, recognizing that some First Nations may not establish their own institutes, and given the size and diversity of First Nations, funding is required to bring post-secondary education programming into First Nations communities to address local priorities and needs through community-based programming.

In keeping with Government of Canada commitments to work with First Nations through a renewed nation-to-nation relationship, the recommended approach is one co-developed by First Nations and Indigenous Services Canada (ISC). This approach aligns with the principles of First Nations Control of First Nations Education and First Nations jurisdiction over education, and the *First Nations Post-Secondary Education Review 2018 Interim Report* endorsed on July 26, 2018, by the Chiefs-in-Assembly in AFN Resolution 29/2018, *First Nations Post-Secondary Education Review Report and Recommendations.* First Nations emphasize the need for immediate investments accompanied by the development of joint processes that honour existing regional models, self-government agreements and provides for the development of Treaty based and/or regional processes for new models.

The proposed approach will build on current best practices to implement regional models to enable First Nations to holistically consider, design and implement a suite of integrated programs and services to comprehensively support post-secondary education attainment and success. Models will respect local control, honouring the

<sup>&</sup>lt;sup>5</sup> AFN PSE Fact Sheet 2011.

<sup>&</sup>lt;sup>6</sup> Canadian Centre for Living Standards 2015 (http://www.csls.ca/reports/csls2015-03.pdf)

<sup>&</sup>lt;sup>7</sup> Canadian Council on Learning, *The State of Aboriginal Learning in Canada: A Holistic Approach to Measuring Success*, 2009.

<sup>&</sup>lt;sup>8</sup> 2018 Spring Reports of the Auditor General of Canada to the Parliament of Canada, Report 5 – Socio-economic Gaps on First Nations Reserves – Indigenous Services Canada, Section 5.55.

<sup>&</sup>lt;sup>9</sup> Aboriginal Institutes Consortium, *A Roadmap to Recognition for Aboriginal Institutes in Ontario Position Paper*, October 10, 2014.

autonomy of First Nations to dictate their own models that will not minimize flexibilities that First Nations communities currently have. These models, once created, will be First Nations directed and managed, including funding as determined by First Nations and inclusive of the potential elements outlined below.

**RELATED APPROVALS:** It is recommended that the following be approved:

In order to implement recommendations:

- 1. A) Immediate investment of \$544.3M in 2019-2020 and on-going as outlined in Appendix A, with a priority for student support, in programs to meet current demand and needs of First Nations people pursuing post-secondary education, through funding to First Nations students, communities and First Nations established institutes. First Nations will allocate investments in line with First Nations control of First Nations education through the respective programs:
  - i. \$45M (continuing annually the two-year investment in PSSSP announced in Budget 2017).
  - ii. \$210.4M PSSSP top-up commensurate with the real costs for currently funded students.
  - iii. \$102.4M PSSSP top-up commensurate with the real costs for current unfunded students.
  - iv. \$62.1M immediate investment to be used for both First Nations directed support for First Nations established institutions and for community-based programming.
  - v. \$124.5.M transitional funding for secondary upgrading and/or completion, in order for First Nations students to be prepared for post-secondary education.
  - B) To modernize the PSSSP and the Post-Secondary Partnership Program (PSPP), with updated terms and conditions exclusively focused on the needs of First Nations in a manner consistent with First Nations Control of First Nations Education, to enable investments in A(i-iv).
    - Streamline the PSSSP requirements by removing problematic program restrictions based on: student eligibility, eligible expenditures, residency, and increased flexibility to First Nations communities to select students, consistent with self-determination.
    - ii. Modify the PSPP to be a First Nations directed and First Nations only, regionally delivered program that supports First Nations established postsecondary education institutions and First Nations directed community-based programming, inclusive of funding for First Nations directed selection processes.
  - C) Establish program authorities for First Nations transitional funding for secondary upgrading and completion, not currently included in the existing K-12 program.
- 2. Authority to support First Nations to develop regional<sup>10</sup> models to best support First Nation students, communities and First Nations established institutes. Related funding of \$15.5M over three years will advance Treaty based, self-government-based and/or regional-level engagements. A return to Cabinet as early as 2019 will set out the authorities for implementing the comprehensive post-secondary education models and identify the funding needs associated with the first submission of Treaty based, self-government-based and/or regional models.

#### **CONTEXT**

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The Government of Canada is committed to achieving reconciliation with Indigenous peoples through a renewed, nation-to-nation and government-to-government relationship based on recognition of rights, respect, co-operation, and partnership as the foundation for transformative change. The implementation of the UN Declaration requires transformative change in the Government's relationship with Indigenous peoples.

<sup>&</sup>lt;sup>10</sup> See footnote 2 for definition of region and/or regional in this context.

Canada's commitment to the 2030 Agenda for Sustainable Development, Goal 4: Quality education to ensure inclusive and equitable quality education and promote lifelong learning opportunities for fall 2018. The Government of Canada is working to fulfill this commitment through a review of laws and policies, as well as other collaborative initiatives and actions. The co-development<sup>11</sup> process for developing this policy proposal is part of an early effort to advance fundamental change. These efforts must be guided by Canada's obligation to respect and uphold First Nations' inherent and Treaty rights to education. This work is rooted in section 35, guided by the UN Declaration, and informed by the Report of the Royal Commission on Aboriginal Peoples and the Truth and Reconciliation Commission's Calls to Action. The proposed approach furthers Canada's commitments to supporting a quality education for all First Nations students and to reconciliation as echoed in the 2015 Speech from the Throne, Budget 2017, and the 2015 and 2017 Mandate Letters.

First Nations students have the inherent and Treaty right to receive education that is in accordance with their culture, values, traditions and languages and that is free of prejudice and discrimination. Quality and culturally appropriate education is a cornerstone to the preservation and vitality of First Nations societies and to the realization of other fundamental human rights of First Nations students. First Nations students may require unique measures in order to realize their right to education on an equal footing with other Canadian students. This includes the right to equitable funding that meets their specific needs and circumstances, taking into account First Nations cultural, linguistic and geographical needs and historical realities. A strategy premised on the application of standard funding formulas is not sufficient to ensure substantive equality in education for First Nations students. In 2017, a Joint Task Team on Post-Secondary Education was established between (ISC), First Nations and the AFN, which identified programmatic changes to the PSSSP improving access for First Nations students to the program. In 2017-2018, the First Nations Post-Secondary Education Review brought many First Nations representatives from across Canada, which included members of the original task team, to produce the First Nations Post-Secondary Education Review Interim 2018 Report. The report reflects insights and ideas for future First Nations post-secondary education progress, as well as confirming the conversation that can occur nationally across First Nations, while highlighting its limitations and the need for First Nations, regionally and at community level, to define their own needs and requirements for student success. Appendix B includes further principles to guide the discussions and interpretation of any future agreements regarding self-determing selfgovernment First Nations education.

Self-determining self-government agreements recognize the inherent right to self-government for First Nations governments and provides a vehicle for the transfer of funds from the Government of Canada. The fiscal arrangement negotiated, in support of the self-government agreement, is based on current funding levels through the ISC's existing programs with additional funding for governance supports. Most fiscal arrangements include provisions that would be triggered in the event that a change in the funding approach under the Indian Act would result in an increase for non-self-governing First Nations. Where identified in their respective agreements, self-governing First Nations would be eligible to benefit from the revised funding approach. The costing for this proposal will be required to update education funding levels in existing self-government agreements.

#### RECOMMENDED APPROACH

1. Implementing immediate new investments in 2019-2020 in modernized programs – New investments will provide funding for much needed upgrading and/or completion of secondary school required to enter post-secondary, support new and existing First Nations students to attain post-secondary, and First Nations established institutions and community-based programming. Modernization of Indigenous

<sup>&</sup>lt;sup>11</sup> The use of the word co-development should be understood contextually throughout the document. There are occasions on which co-development is essential to moving the nation to nation relationship forward, particularly where current federal policy and programming affecting First Nations may be changed.

Services Canada's programs will provide the autonomy needed to deliver funds consistent with First Nations control of First Nations education and no unilateral decisions will be made by government of Canada.

All First Nations education program and services terms and conditions that require change and adaptation to be consistent with this policy proposal will be co-developed with First Nations, consistent with First Nations control of First Nations education and no unilateral decisions will be made by the federal government.

- A) In addition to disbursement of the new investments outlined above, this new approach will require evolution of how the PSPP is currently delivered, in order to respect the principle of First Nations control of First Nations education. For the distribution of First Nations directed support for First Nations established institutions and for community-based programming (the "First Nations Post-Secondary Institutions and Community-Based Programming Stream):
  - First Nations-led regional bodies or self-governing education systems will set criteria for funding and adjudicate based on regional allocations of available funding.
  - ISC regional office shall support the convening of First Nations-led regional bodies and implement its decisions.
  - Funding will be allocated by the First Nations-led regional bodies to either First Nations established institutes or to community-based programming.<sup>12</sup>
  - Costs associated with First Nations directed adjudication, selection and other related matters will be included within the program.
  - Once current funding commitments within the PSPP are completed, i.e. at the end of 2019-2020, funds will be transferred into the First Nations Post-Secondary Institutions and Community-Based Programming Stream which will become the program and the PSPP will be discontinued.
- B) Regarding immediate Investments for transitional education:
  - Will build on the current K-12 program by creating a specific component of the Nominal Roll. There will be no age limit, and students must not be eligible for the standard K-12 Nominal Roll.
  - First Nations will establish their transitional education programs by adding students to the transitional education component of the Nominal Roll.
  - As First Nations adopt transitional programs, design and delivery costs shall be included in the program.
  - Transitional education programs are focused on secondary school completion (ungraduated) and upgrading or bridging to post-secondary education (graduated).
  - The Yukon and Northwest Territories First Nations will work with ISC to establish how transitional funding will flow to First Nations and who will determine how resources are best used, consistent with First Nations control of First Nations education.
  - ISC will work with First Nations communities who have unique agreements and funding circumstances to ensure access.
  - Self-government agreements will receive their proportional share.
  - As Regional Education Agreements and post-secondary education models are developed, there are opportunities for First Nations to consider how transitional education best complements First Nations priorities for life-long learning, as well as meeting the needs of specific populations such as youth at risk.
- 2. Development of regional funding models for First Nation students, communities and First Nations established institutes Funding models will be developed on a community, Treaty based and/or regional<sup>13</sup> process and respect self-government agreements. First Nations will define their own models and decide when to involve or include the federal government. Funding will go directly to First Nations. Second level service providers will not administer funding unless directed by First

<sup>&</sup>lt;sup>12</sup> See footnote 2 for definition of region and/or regional in this context.

<sup>&</sup>lt;sup>13</sup> See footnote 2 for definition of region and/or regional in this context.

Nations. First Nations will maintain authority and autonomy to develop their own models including as individual Nations.

Process for Treaty and/or Regional Models – The role of the \$15.5M investment over three years, is to enable Treaty based, self-government-based and/or regional processes for the development of First Nations-led Treaty and/or regional-based post-secondary education models. The regional models will enable First Nations to transition from the current patchwork of programs to holistic approaches that supports post-secondary education in accordance with First Nations priorities. The current programming does not respect First Nations Control of First Nations education; it is restrictive; and it limits First Nations capacity, flexibility and autonomy. The models will enable an integrated, strategic approach regrouping a suite of supports that includes: Student Supports; First Nations Post-Secondary Education Community Support Services; First Nations established institutes; Community-based programming; and Governance and Leadership Capacity.

The funding to support the Treaty based, self-government-based and/or regional model development will support a range of activity including: exploratory discussions, engagement, partnership tables, and model design. ISC regional offices will work in partnership with First Nations or self-governing groups to distribute funds. First Nations will designate the First Nations body that receives the funds by a duly mandated process, as outlined in a letter of intent articulating the intended purpose, activities of engagement (including timelines) and the parties involved. The duly mandated process could be via Band Council Resolution, Chiefs Assembly Resolution, or other existing First Nations regional processes with the mandate to do so. For self-governing First Nations, funding will be distributed by Crown-Indigenous Relations Canada in accordance with established agreements.

AFN Resolution 29/2018 indicates that First Nations are interested in moving to the new approach, and it is estimated that there may be 64 Treaty and/or Regional models. It is anticipated that approximately 30% of the models will be ready to implement in 2020-2021, followed by 40% in 2021-22 and 30% in 2022-2023. A return to Cabinet will outline the models developed by First Nations, including additional costs identified by First Nations, and secure the additional funds and authorities required to establish and implement the models. Regional approaches proposed here is consistent with early-childhood and elementary/secondary approaches and provides opportunity for regional bodies to implement life-long learning strategies.

After the three year partnership process, ISC and First Nations will re-evaluate how many First Nations, if any, remain under the PSSSP and the PSPP (or First Nations Post-Secondary Institutions and Community-Based Programming Stream). Some First Nations (i.e. in British Columbia) will be ready earlier. This process will allow for a re-evaluation of the programs' funding levels.

The Treaty, self-government and/or Regional, models are anticipated to be based on the principles of:

- Only Treaty First Nations speak for Treaty First Nations.
- Section 35 of the Constitution.
- United Nations Declaration on the Rights of Indigenous Peoples.
- The Truth and Reconciliation Commission Calls to Action as outlined in Appendix B.
- Streamlined reporting to reduce reporting burden.
- Funding will be based on real costs, accounting for the great diversity of local needs and costs associated with pursuing post-secondary education.
- Funding models will ensure adequate resources so that First Nations can meet the needs and priorities of their communities.
- Regional funding models will be developed in a manner consistent with First Nations control of First Nations education.
- Models will account for the exceptional circumstances and unique costs associated with northern, remote, isolated, fly-in First Nations students, communities, special

needs, former children in care, First Nations established institutes, and community-based programming.

- First Nations-determined objectives.
- Models will respect existing agreements and arrangements concluded by First Nations.
- Funding will flow directly to First Nations or as set out in their existing agreements.

Models could include the following components. As an integral part of the models, First Nations will have the freedom and authority to determine, adjust and change the combination and emphasis within the Model over time. This will enable First Nations to address their own post-secondary needs and priorities.

#### A) Student Supports

- Funding models could include any student supports outlined in the *First Nations Post-Secondary Education Review 2018 Interim Report*, to be implemented as appropriate, outlined in Appendix C.
- First Nations will develop their own policies to govern delivery and manage resources.

#### B) First Nation Post-Secondary Education Community Support Services

 Increased funding for communities to build capacity for coordination for postsecondary education programs and activities and coordinators to support student success including, but not limited to: program choice, career planning, transitioning to post-secondary education, enrolment application process, guidance, Elder supports, orientation for students and families, strategic planning, and community-based education programming.

#### C) First Nations Established Institutes

- Each model will determine the eligibility criteria for their associated First Nations established Institute(s).
- Funding models could include any elements outlined as supports for First Nations post-secondary institutions in the First Nations Post-Secondary Education Review 2018 Interim Report, as outlined in Appendix C, and others as determined by First Nations.
- Governance/core funding will support the capacity for First Nations established institutes to advance and implement First Nations accreditation and support the delivery, development and modification of post-secondary and transitional programming.
- New investments would also support the development of a capital and infrastructure strategy which would include the establishment and expansion of new institutes (including virtual institutes) and increased research and development, while ensuring First Nations holistic wrap-around student supports and services.
- Criteria and funding models to be developed by First Nations and their respective institutes.

#### D) First Nations Community-Based Program Supports

- First Nations have access to the resources required to bring post-secondary programming into their communities and support the delivery, development and modification of post-secondary and transitional programming within or for the community.
- First Nations would be able to develop, modify or deliver programs, including in partnership with institutions of their choosing.
- Guidelines and allocation methodology and adjudication will be determined by First Nations.
- For example, a First Nation may deliver Teacher education training within a First Nation, in partnership with a First Nations established institute or public institution. Alternatively, a First Nation may partner with a medical school to secure spots for physician training.

### E) Governance and Leadership Capacity

Provides required capacity and resources for First Nations to:

- Establish objectives, determine priorities, and report on progress.
- Engage community to develop sound policies and practices.
- Strengthen decision-making, manage and analyze data.
- Engage in partnerships.
- Develop a First Nations community-led appeals process.

# **APPENDIX A:**

Investment in First Nations Post-Secondary Education

As of October 16, 2018

		Current Per Student Costs	Required Additional Per Student Costs	Number of Students	2019-20 Total Costs	2020-21 Total Costs	2021-22 Total Costs	3-YR Total Costs	Notes
lmm	ediate Investment (2019-20)								
1a.	Continue \$45M	\$ 12,000		<i>\$ 3,750</i>	\$45,000,000	\$45,000,000	\$45,000,000	\$135,000,000	Continue existing commitment of \$45M.
1b.	Real costs for current students	\$ 12,000	\$ 7,500	\$ 28,047	\$210,352,500	\$210,352,500	\$210,352,500	\$631,057,500	Costs for existing PSSSP students that account for differences in current and real costs for students.
1c.	Real costs for unfunded students		\$ 19,500	\$ <i>5,250</i>	\$102,375,000	\$102,375,000	\$102,375,000	\$307,125,000	Costs for students currently enrolled in PSE, but not funded through the PSSSP.
1d.	First Nations Institutes to sustain		\$ 23,000	\$ <i>2,700</i>	\$62,100,000	\$62,100,000	\$62,100,000	\$186,300,000	Costs to sustain existing First Nations Institutes of Higher Learning and support community-based programming while regional models and costs are determined.
1e.	Transitional funding		\$ 19,500	\$ 15,960	\$124,488,000	\$171,171,000	\$217,854,000	\$513,513,000	Phased-in costs for transitional funding to support returning to school and learners requiring bridge programming for PSE.
Regi	onal Model Development (2020	)-21)							
3a.	Funding for Regional Engagement				\$7,500,000	\$4,000,000	\$4,000,000	\$15,500,000	Funding to support explorations, discussions and the development of regional PSE models
3b-d	Regional Models				\$ -	TBD	TBD	TBD	Additional costs identified through regional models to support students, First Nations and Institutes.
					\$551,815,500	\$594,998,500	\$641,681,500	\$1,788,495,500	

#### **APPENDIX B:**

PRINCIPLES TO GUIDE THE DISCUSSIONS AND INTERPRETATION OF ANY FUTURE AGREEMENTS REGARDING FIRST NATIONS EDUCATION.

The history of colonization, residential schools and the imposition of federal and provincial laws and policies have had devastating consequences on First Nations people, their languages, cultures and social structures. There is a pressing need for transformative change to address the gaps in First Nations' education systems to take into account the rights and aspirations of communities and the best interests of First Nations students.

The government of Canada has committed to achieve reconciliation with First Nations people through a renewed, nation-to-nation relationship, based on recognition of rights, respect, cooperation and partnership with First Nations. This includes capacity-building investments that will lead to the implementation of access to real equity in education services and equitable funding. The broad principles of constitutional law, the fiduciary relationship and the honour of the Crown, as well as the legal standards developed by Canadian Courts and international law define and frame all relationships between the government of Canada and First Nations, as well as Canada's responsibilities in providing services and funding to First Nations.

Consistent with its obligations, the government of Canada must ensure that any measures, arrangements, programs, policies, agreements or legislation regarding First Nations education, specifically including post- secondary education, are developed in collaboration with communities and recognize and respect the following legal principles. First Nations have the right to self-government and jurisdiction over the education of their members, an Aboriginal right protected by s. 35 of the Constitution Act, 1982. This includes the right to determine their own priorities in education, based on their responsibilities to future generations and their inherent rights. The government of Canada must provide adequate funding and resources to enable the development of local capacity and institutions to ensure First Nations' control over education.

First Nations communities and post-secondary students have the right to effectively participate in and lead any decision-making process that concerns their education. This includes the right to be provided with all necessary information in a timely way to enable them to give their free and informed consent. First Nations' views and concerns must be seriously considered and integrated into any proposed plan of action regarding their education. First Nations students have the right to receive education that is in accordance with their culture, values, traditions and languages and that is free of prejudice and discrimination. Quality and culturally appropriate education at all levels, including higher learning and post-secondary, is a cornerstone to the preservation and vitality of First Nations societies and to the realization of other fundamental human rights of First Nations peoples.

All First Nations learners require enhanced measures in order to enjoy their right to education on an equal footing with other Canadian citizens. This includes the right to equitable funding that meets their specific needs and circumstances, taking into account First Nations peoples' cultural, linguistic and geographical needs and historical realities. A strategy premised on the application of strict and limited funding formulas is not sufficient to ensure substantive equality in education for First Nations learners in higher education.

In order to adequately identify existing gaps and potential areas of discrimination related to First Nations post-secondary education, the government of Canada must ensure that adequate mechanisms and funding are in place to allow First Nations to: i) assess the real needs of communities in order to determine the equitable level of funding required; ii) monitor and evaluate the effectiveness of programs and measures implemented to improve outcomes in First Nations lifelong learning; and iii) develop local capacity and institutions to ensure First Nations' control over education.

## **APPENDIX C:**

First Nations Post-Secondary Education Review Interim Report 2018