

FED-BOS: The Federally Controlled Band Operated School and the No-Policy Policy

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This essay suggests a more precise set of definitions for the terms used to describe administrative issues in situations where Indian bands operate schools on reserves. Referring to other critical literature and to experience in order to critique the federal government's claims about the locus of control in band-operated schools, the author suggests that primarily because of fiscal policy constraints, in most cases that are said to be band "controlled," control is in fact retained by the federal government: band councils simply administer federal government policy, and band education committees only advise. A first step toward a remedy is suggested, the articulation by the band of formal, written, and specific educational policy.

Over the past 20 years Indian bands across Canada have had various responsibilities associated with the operation of reserve schools transferred to them from the Canadian federal government. In most instances the transfer process, termed *devolution* by the federal government, has been quick, poorly planned, and ill conceived. Indian band councils, anxious to exert control over matters pertaining to their own destinies, have virtually "jumped from the frying pan into the fire" by entering into devolution agreements with the federal government. Faced with escalating costs associated with the delivery of educational programs for Indians, the federal government has been anxious to implement any cost-cutting measures. Thus the Indians' wish to control their own destiny appears on the surface to be a made-to-measure match for the federal government's desire to eliminate its economic commitment to education for Indians. *Self-determination* is a term used by federal government authorities to disguise their efforts to dump as much responsibility as possible for Indian education while convincing Indians that such an occurrence is in the Indians' best interest.

Misleadingly dubbed with the misnomer *band control of education*, the process and agreements whereby the so-called devolution to *band control* is generally accomplished involves the giving up of certain local level managerial responsibilities by the federal Department of Indian and Northern Affairs Canada (INAC) from itself to Indian band councils, which are the legal governing authority on Indian reserves. It does not involve giving up any significant degree of financial or budgeting control to the band councils. Helen and Harold Friedman (1981, p. 132) made the following comment after interviewing over 50 professional educators involved in Indian education,

"Self determination," which has emerged in the last few decades as a major theme in Indian education, is a carefully defined empty concept. It involves the federal government funding of programs which in turn are implemented by Indians. Policy has increased the self

confidence of Indians because of increased control given them over social programs. However, one cannot escape the implications of the old adage, "He who pays the piper calls the tune." Programs funded under the policy of "self-determination" are controlled, albeit minimally, by the federal government and the same bureaucracy, and guidelines that apply to DIA [INAC] programs also apply to Indian run programs.

On the basis of a cross-section of opinion from academic literature and my own practical experience as a teacher and principal in federal, provincial, and band-operated schools, this article defines numerous terms associated with Indian band-operated schools and looks at a few significant challenges Indian bands have incurred in taking on the management of education on reserves. These challenges are varied, complex, and often of a very serious nature.

In my opinion, the entire operation process of band-operated schools is seriously flawed. Education programs delivered on reserves are neither proactive nor sound, but rather comprise a doomed educational facade based on Indians' reaction and response to federal government proposals and policies developed for Indian education on reserves without any significant input by Indians. Ward (1986) commenting on Indian education in Canada during the period of 1972 to 1982, stated

In ten years, 1972-1982, the strategy of the Federal Government regarding Indian education appears to have been one which continually forced Indians to respond to government proposals and government policies developed with little or no Indian input or consultation. By diverting Indian energies to responses, the government had not provided a climate conducive to self-determination of Indian education by Indian people. (p. 19)

Terminology

In 1972, the policy of Indian Control of Indian Education developed and published by the National Indian Brotherhood (NIB) became the official policy of most Indian governments in Canada. This policy was derived in response to concerns raised in a report (June 22, 1971) by the federal government's Standing Committee on Indian Affairs. Some of the findings of the report were:

- the drop-out rate from school before high school graduation among Indian students was four times the national average. Ninety-six percent of Indian students never finished high school.
- a related unemployment rate averaged 50% for adult Indian males. This rate was as high as 90% in some communities.
- Canadian history texts used in federal and provincial schools contained inaccuracies and omissions relating to the contributions made to Canadian history by Indian people.
- Indian children experienced an age-grade retardation based on language conflict and early disadvantage. This retardation accelerated as Indian children progressed through primary and elementary grades.
- In schools with significant populations of Indian children, less than 15% of teachers had specialized training in cross-cultural education and less than 10% had any knowledge of Indian language.
- The majority of Indian parents were uninformed and uninvolved in decisions made with respect to their children's school program.

These startling facts led to the NIB statement of education policy (1972), Indian Control of Indian Education. However, while the concept of *control* was clearly articulated in the policy, the subsequent position taken by the federal government

was to permit Indian involvement in education but not to permit Indian control, while at the same time referring to Indian involvement as "Indian control." Kirkness (1985) states,

What Indian people referred to as Indian Controlled Schools soon became known by the Department of Indian Affairs as Band-operated schools. This is significant in that controlling and operating are two entirely different concepts. To "control" is to have power over, to exercise directing influence, whereas, to "operate" means to manage, or to keep in operation. It is predictable that the difference in perception would lead to misunderstanding and impede the direction of the Indian Control of Indian Education policy.

In the interest of scholastic validity and simple honesty, the federal government's wrong and misleading term *band-controlled school* cannot be used in this article. In its place, the acronym FED-BOS derived from the accurate term FEDeral [controlled] Band-Operated School will be applied. According to Phillips and Cranwell (1988), 15,906 Indian students were in attendance in FED-BOS schools in 1982.

The term *federal school* refers to a school still directly operated by the federal government on Indian reserves. Phillips and Cranwell (1988) state that 21,791 Indian students were in attendance at federal schools in 1982. Given recent powerful initiatives by INAC to devolve such schools to FED-BOS status, they could also be defined as schools earmarked by the federal government for eventual band operation. A current FED-BOS was likely once a federal school.

The term *provincial school* refers to a school operated by a local provincial school division under the authority of the provincial government and a locally elected school board. Phillips and Cranwell (1988) state that 38,489 Indian students were in attendance at provincial schools in 1982. The federal government pays tuition to respective provincial school boards for Indian students who attend provincial schools.

The term *administration* applies to most activities of senior federal authorities, a few highly skilled FED-BOS principals and administrators, and most classroom teachers. Administration means developing ideas and making them into action. It is a high level of activity involving vision, creativity, conceptualization, proactive thought, imagination, open fields of choice, and dreams. It is rooted in positions of power and freedom that, in FED-BOS instances, are based on (a) *the ability to coerce and reward*, which is what senior federal authorities do; (b) *legitimate position*, which is what senior federal authorities, school principals, and classroom teachers have; and (c) *expert power*, which is what skilled school principals and skilled classroom teachers usually have.

On the other hand, the term *management* applies to most activities carried on by Indian band councillors, Indian band clerks, INAC middle and lower management officials, such as superintendents of schools, district and regional managers, and others with largely clerk-type functions. Management has more to do with the efficient and effective carrying out of activity decided by administrators. Among other things, it involves techniques, technology, financial analysis, economics, record keeping, accounting, operations, and the supervision of staff activities and property.

The term *Indian* refers to a person of aboriginal descent who is registered and who is entitled to special benefits and privileges (i.e., freedom from taxation;

federally paid-for health care, education, and on-reserve housing) according to the Indian Act (1961) or respective treaties made between various groups of Indians and the British Crown or the Government of Canada. This Indian person is said to have *status*. For the most part, this article means *status Indians* when it refers to Indians.

The term *Native* is not synonymous with the term *Indian*. *Native* refers to a person of aboriginal descent including non-status Indians who do not have special privileges under the Indian Act (1961) or treaties. Generally speaking, Natives in Canada are comprised of four main groups: Status Indians, Non-Status Indians, Inuit, and Metis.

A *reserve* is a tract of land set aside for the benefit and use of an Indian band. Until recently, the legal title of reserve land was clearly vested in the Crown. However, an ongoing plethora of Native land claims and cases has made the notion of title somewhat ambiguous.

The term *band* refers to a group of Indians who share a common culture and language, who reside in the same general locale, and who derive similar benefits and privileges because of their official Indian status.

A *band council* is a duly elected legislative body of adults from among the members of a band. It derives its power to govern from the Indian Act (1961), from various sets of Federal Treasury Board Minutes (1972, 1973), from the British North America Act (1867), from the Canadian Constitution Act (1982), and from Canadian case law.

The term *nation* refers to a group of Indian bands sharing the same culture and customs even though the geographic region of habitation may be segmented, intermingled with other Indian nations, and fully encompassed within the larger land mass known as Canada. The term *First Nations* acknowledges the primal habitation of the geographic area of Canada or North America by Indian nations. Examples of First Nations are: the Cree First Nation comprised of many Indian bands inhabiting reserves from northern Alberta through Saskatchewan, Manitoba, and Northern Ontario to Northern Quebec; the Saanich First Nation comprised of a few bands in the southern peninsula area of Vancouver Island; the Micmac First Nation comprised of a number of bands in the Maritime provinces; and the Saulteaux First Nation comprised of a number of bands in Southern Saskatchewan and Manitoba.

The term *school committee* refers to a group of individuals appointed by a band council to advise, recommend action and policy, and perhaps carry out minor management functions with respect to a FED-BOS or federal school located on the specific reserve governed by the band council. Unlike a provincial school board, a school committee has no authority and is not elected.

The term *educational program* refers to an organized set of activities that, in the opinion of those responsible for its supervision, enables students to learn attitudes and skills relevant to their immediate and lifelong needs.

The term *school* refers to the combination of a body of students organized as a unit for educational purposes under the supervision of a principal, the teacher(s) or other staff members associated with the unit, and the facilities and equipment associated with the unit.

Challenges in FED-BOS

Students' Special Needs

In addressing the state of FED-BOS in Manitoba, Phillips and Cranwell (1988) reported that 31% of all FED-BOS students were suspected of needing special education services. These needs were either not met because of funding limitations or were provided for by sending students to off-reserve schools away from their homes and communities. Three years later, the report of the Manitoba Task Force on Literacy, *Pathways for the Learner* (Manitoba Government, 1989), supported their findings with four major recommendations aimed at addressing learning difficulties faced by Native students whose first language was not English. The Manitoba study also supported the findings of the Alberta Department of Education (Alberta Government, 1984; 1985) gathered from discussions with Native people as well as meetings, letters, and papers. It recommended "local school jurisdictions and Native communities should be encouraged to establish Native education advisory committees to address issues that may arise relative to the education of Native students."

Band Councils' Conflict of Interest in Governing

As mentioned earlier, the notion of an elected school board with the authority to act and to be accountable to an electorate for its actions is foreign to Indian reserves. Instead, school committees, which exist as advisory bodies at the pleasure of band councils, merely go through the motions as school governing bodies.

The real authority in *all matters* of government of reserves is firmly held by band councils. This sets the stage for conflict of interest situations where individual band councillors charged with the management of other reserve programs are able to redirect and veto educational spending and initiatives. Funds are often redirected to other activities such as housing, economic development, social services, and infrastructure, and the school is left wanting. Without the ability to back their positions with legal authority or funding, school committees are relatively ineffective. They can only advise. Numerous researchers including Yuzdepski (1983) have commented on the serious undermining effect this has on FED-BOS, "The past practice of using school committees as advisory body with limited influence, in restricted areas of school program, must give way to an education with control of funds and consequent authority which are necessary for an effective decision-making body."

Burt (1984), illustrating the major problems faced by Indian bands in the North Battleford District of Saskatchewan, cited the reduced capacity of school committees along with the resulting power struggles between school committees and band councils as the most serious impediments to the success of FED-BOS. This position was strongly reaffirmed by Hall (1989) in her five-year research project involving 77 FED-BOS across Saskatchewan. This issue relates directly to the "No-Policy Policy" challenge discussed later in this article.

Management by the Untrained: Chaos

It is a pity that there is no national policy or national institute to provide training to Indians which would enable them to manage their own educational system. One of the primary effects of lack of training is that of bands taking over control of the schools and not knowing how to manage the school. As a result, band control fails and the DIAND [INAC] is forced to take over the operation of the school again. The failure of the bands to

effectively manage their schools has posed a challenge to their claim to control their school system. (Pauls, 1984, p. 35)

These words were written by Pauls in his *Case for Band Controlled Schools*. A superintendent of education now employed by the Onion Lake Indian Education Authority near the Saskatchewan-Alberta border, Pauls maintains that Indian parents' demands for local control of schools is no different from what other Canadian parents assume as a right, but that Indian band authorities lack the basic skills to manage their own schools and that they have no mechanism through which to learn those skills.

Lack of Coordinated Long-Range Planning between Federal and Provincial Schools

Burt (1984) was supported by the *Report of the Committee on Tolerance and Understanding* (1984) of the Alberta Department of Education on this topic. The Committee attributed many problems faced by Natives and Native educators to "lack of coordinated long-range planning between federal and provincial governments." It commented further that Alberta has "the least to show in the areas of Native education policy, curriculum resources, and teacher training programs."

Poor Teacher-Band Council Relations

In her report on *The Contractual Terms and Conditions of Employment for Teachers in Saskatchewan Band Controlled Schools*, Hall (1989) states that general absence of harmonious relations between band councils and teachers has serious implications:

The treatment of the professional teacher is of critical importance. Bands, like any other school jurisdictions, need to recruit, select, and retain the best possible teachers so they can provide the best possible education for their children.

Highly capable teachers, however, generally have many choices when seeking places to work. Among other considerations, position seeking teachers expect to receive reasonable financial compensation and contractual arrangements that reflect their years of training, their work, and the nature of their work.

Her research findings, based on an extensive five-year survey of teachers' opinions in FED-BOS, showed high levels of conflict between these "reasonable expectations" by teachers and the widespread negative working atmosphere created by Indian band councils jealous of their power and control over every activity associated with their reserves. A status Cree Indian herself, she especially noted the plight of non-Native teachers and principals who attempt to assert themselves in educational leadership roles for which they are trained and accustomed, and who were often summarily fired without any realistic avenue of appeal for their assertiveness. She comments,

For example, one band was able to arbitrarily terminate a teacher's services leaving her without any form of appeal. In rare situations where a teacher could appeal, bands were not bound to any final position. While appeal processes were theoretically available, they practically did not work.

Several teachers referred to the wide array of unconventional reasons that bands used to terminate teachers' employment as opposed to limited and direct job-related reasons used by provincial school boards.

Some bands did not have clear policies regarding termination and adjudication. Some of the unwritten terms and conditions were that the teachers needed to have good to excellent relationships with the Chief and Council or their access to the workplace would be hampered by a Band Council Resolution.

She says the conflict was aggravated further by lower salaries than those paid in provincial and federal schools, the absence of teacher tenure, and the diversion of education monies to other band programs leaving FED-BOS without adequate funding. The end result of all this was "poor teacher-band Council relations," low morale among teaching staffs, and a high level of teacher and administrative staff turnover at FED-BOS.

Little or no Parent Input into Education Program

This is perhaps the second greatest challenge facing FED-BOS. Numerous researchers have identified the absence of involvement by Indian parents as the first or second area of concern. Friedman and Friedman (1981), the Alberta Department of Education (1984), Burt (1984), Davis (1986), and Ward (1986) all identified this factor. The National Indian Brotherhood (1982) states,

Indian parents must have full responsibility and control of education. The federal Government must adjust its policy and practices to make possible the full partnership and participation of Indian people in all decisions and activities connected with the education of Indian children.

Policy-Administration Conclusion

A common error in administrator-elected board members is for elected officials not to understand their roles and to stray into the area of administration by making administrative decisions instead of policy decisions. Storey (1989) comments,

The policy/administration debate is a familiar one to almost all administrators and a subject of discussion at innumerable trustee training sessions. It arose again in the present study, focusing on boards' tendency to become involved in administrative rather than policy matters. (p. 7)

Ironically, only recently a typical example pertaining exactly to this challenging issue was brought to my attention. A FED-BOS located at Montreal Lake, Saskatchewan had a water supply malfunction from the time the school custodians arrived at 6:00 a.m. At 8:45 a.m., in the absence of any written policy pertaining to the situation, the school principal made administrative decisions to close the school for the day and to send bussed students back home at 9:00 a.m. At 9:10 a.m., the elected band councillor in charge of education arrived at the school and countermanded the principal's decisions, even though the school water supply continued to malfunction.

Freeman, Underwood, and Fortune (1991) recently completed a nationwide survey of 968 school trustees and 250 superintendents. When asked to rank 17 characteristics of effective school trustees, the trustees themselves ranked "trustees' ability to clearly differentiate between policy making and administration" as third in importance. Superintendents ranked the same characteristic first in importance.

The No-Policy Policy

I recall when I was first a vice-principal. I kept a postcard pinned on my office bulletin board for years until one day it disappeared. Over and over again, its simple passage provided amusement as I related it to the goings on in the large school division where I was employed. There were times when I thought it to be the truest statement I either read or heard for weeks on end, other than when certain little primary students would tell me that I was going bald or getting fat. (There's a saying that goes like this, "There are only two groups of people in the world who tell the truth, little children because they don't know any better, and old ladies because they don't care anymore.") The postcard read, "There's no reason for it, it's just policy." Now, 17 years later, I think there may be some real truth to the anonymous quotation.

In the research for this paper, scholar after scholar commented on the absence of written policy in matters pertaining to the management of FED-BOS. Federal schools and FED-BOS have been notorious for having no written policy manual on any subject. On numerous occasions, an empty unused binder titled "Policy Manual" was found in a drawer in some remote corner of the school's central office. One was once found in a federal school's main furnace room. It contained six sheets, all in its occupational health and safety section.

The absence of a written policy on a matter is not necessarily the absence of a policy. There are those who maintain that policy is not only developed in writing, but by practice. On the other hand, the existence of written and up-to-date policy is an indication of forethought, anticipation, and planning. Importantly, the existence and availability for review by all staff members of written policies shows an "up-frontness" on the part of authorities and administrators. It is good administration.

The recent work of McCormick and First (1991) illustrates that the absence of written policy is a challenge not only to FED-BOS, but to any organization:

Appearances can be deceiving. When a rosy picture surrounds your school district operations, beware: Trouble might be looming, especially when policies governing administration haven't been reviewed in a while—or, worse yet, when they don't even exist. Nonexistent or outdated policies or policies that were made for the wrong reasons could sabotage school operations or even expose the district or board to substantial liability. Written policies and procedures can make change less turbulent and fairer for everyone involved. (p. 30)

Indian band councillors, like regular school trustees, are governing authorities for schools. In their capacity as elected representatives of the Indian band's membership they are responsible for adopting school policies that reflect the many varied interests of all band members, especially the interests of current and future students of their schools.

Policies are declarations of intent. When policies are reduced to writing, they indicate priorities and provide direction for future action. Band councillors demonstrate support for a particular policy by making its implementation a priority and by allocating money and other resources accordingly.

It is through the process of written policy development, policy publication, policy implementation, and regular policy review that FED-BOS aims and objectives can be evaluated and firmly established, and the school program can be tailored to provide relevance and appropriate learning conditions for its clients, the

students. On the other hand, the absence of any or all components in the written policy development process (conceptualization, consultation, writing, publication, implementation, and regular review) leads to instability, poor communications, confusion, unfairness, irrelevance, and redundancy, among other things, in the school, the end result being a less effective education program. In general terms, written school policies cause policy makers to clearly establish aims and objectives for their education program. Their publication creates a framework in which school staff members, students, and parents can function with positive direction. They tell what is wanted, how it is to be achieved, and whether it is being achieved.

Because of the inherent benefits of its process, the development and maintenance of sound and up-to-date written policies is probably the greatest challenge to the FED-BOS. Once adopted by the band council, policies should be publicized to ensure effective implementation and to lessen the ability of anyone to manipulate and twist policy to suit their own needs (for example, band councillors or managers with other agendas for the spending of education funds). Of course, the unwritten policy of having no written policy at all lends itself quite nicely to such self-serving manipulation. It is termed *The No-Policy Policy*.

Conclusion

The operation of schools for Indian students on reserves is an exercise in the management of Canadian federal government policy by Indians. It is not administration. The term *band control* is misleading. Real control has been retained by the federal department of Indian and Northern Affairs, which controls all the finances. In most cases, local Indian band councils simply manage federal schools, and band school committees are only advisory bodies.

The actual management of schools on reserves is a process beset with challenges. These challenges are a result of the newness of Indian band governments to school management and governance. The largest and most pervasive challenge for band councils is to ensure that policy development, policy writing, and policy publication for their education programs are a reality. The result (*having written published policy*) cannot help but benefit students in Federally Controlled Band Operated Schools (FED-BOS). The result (*having written published policy*) may, however, interfere with individual band councillors' ability to manipulate policies to suit their own interests. Cummins (1985) stated that if from a superficial statistical view "success" means "student retention," then band-operated schools are successful because more students are staying in. "If the orientation of a school (stated or implied) is one of social adaptation and reconstruction and/or personal relevance and these criteria are not being met, then the school cannot be said to be a success" (p. 19).

And King (1987) added, "A frequently cited criticism of policies toward Amerindians is that the white man has done 'everything' for Indians except give them the right to make their own mistakes" (p. 62).

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