

Individual or Group Representation: Native Trustees on Boards of Education in Ontario

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Since the release of Indian Control of Indian Education (National Indian Brotherhood, 1972) the number of Native students attending educational institutions operated by First Nations educational authorities has increased significantly. However, close to 50% of all Native elementary and secondary school students in Canada attend schools operated by provincial ministries of education. Although a number of provinces make provision for Native representation on public and separate school boards of education, legislative restrictions and the mechanics of the electoral system often work against any meaningful Native representation on these bodies. This article examines the impediments to Native representation on boards of education in Ontario and suggests a possible remedy to this situation.

The last two decades have witnessed significant changes in the nature of the educational services provided to Native people in Canada. Both the Assembly of First Nations (1988) and its predecessor the National Indian Brotherhood (1972) have affirmed the right of Native people to control the education of their children based on the dual principles of parental responsibility and local control of education. Although the federal government's acceptance of the concept of Native control of Native education has resulted in a significant increase in the number of band-operated schools, the ability of many Native parents to influence the education of their children is often limited by the fact that their children attend schools operated by provincial ministries of education.

Enrollment figures provided by Indian and Northern Affairs Canada (1988) indicate that 47% of the Native students attending elementary and secondary schools in Canada do so in schools operated by non-Native local authorities under legislative mandate established by provincial ministries of education. As these figures account for only those status Indian students covered by tuition agreements between the federal government and various local education authorities, they do not accurately reflect the actual numbers of Native students enrolled in provincial educational institutions. If non-status Indian and Metis students were taken into account (and neither the federal nor the Ontario Ministry of Education, for example, do so), then the percentage of students of aboriginal origin attending provincial schools would be much higher. This raises an important question: How are Native parents to influence the education of their children if their attendance in provincial schools (public and separate) often excludes them from participation in the process of educational governance?

Impediments to Native Participation

Paquette (1986) examined the issue of Native participation in provincial school systems and enumerated a number of factors that impact on the ability of Native

parents to influence the decision making process at the school board level. Paquette noted that:

Because of the strong objections registered by Indian people ... to their lack of voice in the decision making process of boards of education ... some provinces introduced legislation providing for Indian trustees to represent such parents. Typically the number of such Indian trustees was keyed to the number of status-Indian children from reserves actually enrolled in a board or district's schools. (p. 10)

Although such legislation allows for some Native input into provincial educational systems, a closer examination of such statutes reveals that they allow for only limited participation by some Indian parents, while others are excluded from participation. The Ontario Education Act (Government of Ontario, 1988) provides a good example of this limited inclusion.

The Ontario Education Act (Government of Ontario, 1988) section 165, sub-sections 1-11 provides for the appointment of Indian trustees to boards of education where a board has entered into an agreement with the federal government, a band council, or a Native education authority (providing that the band council or education authority is authorized by the federal government to do so) to provide for the education of Native students. The provision of such representation is tied directly to the number of Native students enrolled in a board's schools (section 165 [5-6]) and once the number of Native students falls below 10% of a board's average daily enrollment or 100 students, Native representation becomes optional at the board's discretion (section 165 [6]). Furthermore, a Native trustee's voting rights may be restricted depending on the terms of the particular tuition agreement (section 165 [4a-b]). For example, if a band's tuition agreement covers the provision of elementary education, then a Native trustee may be excluded from voting on issues concerning secondary education and vice versa. Overall, this legislation restricts the input of Native parents into the decision making process in a number of ways.

First, while the Ontario Education Act (Government of Ontario, 1988) does make legal provision for the representation of Native parents on provincial boards of education, such representation is generally limited to the parents of status Indian children receiving educational services from the province under the terms of some form of tuition agreement. As neither the federal government nor the Ontario Ministry of Education identify non-status or Metis students as specific school populations, the parents of these students are excluded from any form of group representation. It may be argued that these parents are represented via the school board election process; however, the present mechanisms of the trustee election process (as discussed later) predicate against any meaningful representation of these groups. As Paquette (1986) writes "Native people of all legal categories who do not live on a reserve and are not recognized as residents of a school board are completely disenfranchised from a voice in the governance of the schools that educate their children" (p. 11).

This situation is also applicable to those parents living on isolated northern reserves in Ontario who send their children to urban centers for their secondary school education. In the case of these students their tuition agreements are often negotiated between individual boards of education and the various band education authorities in the region. Therefore, the question of which band council would appoint a potential Native trustee to any of the various school boards makes the selection of such a trustee difficult to say the least.

Second, the terms of tuition agreements with provincial boards of education are not always conducive to Native input into educational governance at the school board level. For example, the tuition agreements negotiated between both Sault Ste. Marie boards of education and the Batchewana Indian Band (Burns & Greenfield, 1987) for the period between 1975-1987 contain clauses that limit the band's input into the board decision making process. For example, these agreements effectively eliminate the band from any effective influence over the board's curriculum, pedagogical, or personnel practices. As one agreement (Burns & Greenfield, 1987) states:

The Board shall retain jurisdiction over the administration, control and operation of the school(s) in which Indian children are enrolled under the terms of this Agreement, including the supervision of teaching personnel and all matters related to the curriculum, methods of instruction and materials used for instruction. (p. 32)

Such contractual terms, in conjunction with the legal parameters of the Ontario Education Act, severely restrict the ability of Native parents to have a voice in the education of their children, should those children attend provincial schools. Furthermore, the actual mechanisms of the electoral process at the school board level may also be exclusionary where Native people are concerned.

Democracy at the School Board Level: Individual or Group Representation?

Mann (1977) states that "the politics of education is concerned with the question of who benefits and how those benefits are determined" (p. 90). In Ontario, at the local level, the politics of education is conducted within the forum of the elected board of education. This form of governance is based on the premise "that education is inherently political in that it must reflect needs and interests of parents and other elements of the attentive public" (Humphreys & Lawton, 1986, p. 7). In the case of Native parents, however, their needs and interests may not be represented at all in school board politics in Ontario.

School board trustees in Ontario are elected via one of the following electoral systems: (a) an at large system whereby trustees are elected on a city or county wide basis, or (b) through a system of wards whereby one or more trustee(s) is elected to represent a specific area within the board's boundaries. In either case the opportunities for Native parents to secure adequate representation are circumscribed.

In the case of boards that elect trustees through the at large system of election, Native representation is often difficult to attain. Unless Native people constitute a majority of the voters within a board's boundaries, the mechanics of the electoral system preclude them from attaining any meaningful representation. For example, in the 1991 civic elections in Thunder Bay a Native candidate ran for the public school board on a platform that emphasized Native issues. While making a respectable showing for a first run for public office, it is important to note that even if every Native person in the city had voted for him or her, he or she would not have secured enough votes to be elected under the at large system currently in use by that municipality. This points to one of the major weakness of the at large system of representation in that "a fragile majority is permitted to defeat the minority or all minorities on all fronts" (Humphrey & Lawton, 1986, p. 15). In the case of Native parents, who usually constitute a relatively small minority in urban communities, this electoral format is particularly disenfranchising. Native parents

residing within the boundaries of boards using the ward system (single or multi-member) fare little better. Unless the Native population of a board is concentrated in sufficient numbers to constitute the majority of a ward's voters, their chances of securing the election of a Native trustee are as slim as in the at large system. As Paquette (1986) writes:

As in so many areas, the issue of protecting any presumed rights of off-reserve status-Indians as a group in the area of education has run headlong into the dominant tradition in western jurisprudence that the law exists to protect individuals rather than groups. In terms of their lack of specific representation in provincial governance forms, then, off-reserve status Indians are on a par with their non-status and Metis counterparts, that is, on precisely the same footing as non-aboriginal parents. (p. 10)

Although some would argue that such equality is all that any group in society could (or should) ask for, the dismal results experienced by Native students enrolled in provincial school systems present an effective argument in favor of Native group representation on school boards. If Cummins' (1986) contention that the degree of success experienced by minority students is linked to the degree to which educational institutions alter their operational frameworks to meet their needs, then Native representation is crucial to the success of Native students in provincial schools. Without representation, Native parents will lack the means to effectively press for such critical programs as instruction in Native languages, Native studies courses, and the hiring of more Native teachers. Although the present system of school board election in Ontario favors the representation of individuals rather than groups, there are precedents both in the province and abroad that would allow for such representation.

Pathways to Native Representation

The concept of group representation is not entirely alien to the Ontario political culture, at least not at the school board level. The passage of Bill 75 (1985), in response to the Canadian Charter of Rights and Freedoms, provides for the group representation of Francophone parents either through the appointment (or election) of French language advisory committees or through the election of French language sections to existing boards of education (Watson, 1986). Those electors who are qualified under Section 277h (2) of Bill 75 to vote for the French language section of a board may, as Watson (1986) states, "vote either for members of the French language section or for the other members of the board—they may not vote for two types of members" (p. 88). This arrangement is remarkably similar to the provisions made for Maori representation in the New Zealand parliament where four of the 91 seats are set aside for that country's first citizens. Maori voters, as Humphreys and Lawton (1986) explain, "can remain on the separate ethnic registers of their own communities, or they can sign up to vote in general elections for the country's 87 other districts" (p. 22). Both the Francophone situation in Ontario and the Maori example in New Zealand establish a precedent for the provision of group representation for Native people on boards of education in Canada in general and in Ontario in particular.

Support for such group representation has been expressed by the Assembly of First Nations in its 1988 document *Tradition and Education: Towards a Vision of Our Future, Volumes 1-3*, which states that "First Nations must have adequate and effective representation on provincial school boards as governments and not as

individuals so that the interests of Native students are properly represented" (Vol. 1, p. 29).

Under the format proposed by the Assembly (1988), Native representation on provincial boards of education would be based on two factors: (a) the "ratio of First Nations students to other students in the school system" (Vol. 2, p. 98), and (b) "the ratio of First Nations tuition payments to other tuition revenues of the school system" (Vol. 2, p. 98). The Assembly, while advancing the concept that Native people should be represented as a group rather than as individuals, was not specific as to how such First Nations representatives would be selected. This would be an especially difficult task in urban areas such as Clamour Cove where Native students are drawn from a variety of First Nations communities and where more than one Native organization could claim the right to select the Native trustee to the respective public and separate boards of education. A possible solution to this problem would be to preserve the principle of group representation for Native people while allocating responsibility for selection of Native trustees to the ultimate stakeholders in this situation, the Native people living within the board's boundaries.

As previously mentioned, the provisions of Bill 75 establish a precedent for the representation of specific groups on Ontario school boards. This precedent could be extended to allow Native electors, regardless of status, the option of electing Native trustees according to the formula proposed by the Assembly of First Nations. Thus Native electors would have the option of voting in either the election for Native trustees, or in the general school board elections. This would provide for both the representation of Native people as a group rather than as individuals, and avoiding potential conflict among various authorities claiming the right to represent the interests of Native people on boards of education.

The election of Native trustees in this manner could, of course, lead to the possibility of other groups in society claiming a similar right to group representation. It should be noted at this point, however, that Native people cannot be regarded as being merely another minority group in Canadian society. Until such time as Native people are adequately represented, their ability to influence the nature of the education their children receive in provincial school systems will be severely restricted.

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