

The Importance of Reverse Tuition Agreements to Self-Determination in the Educational System: A Cree First Nation

Leonard J. S. Tsuji

Indian and Northern Affairs Canada (INAC) funds only on-reserve band members for primary and secondary education. Off-reserve band members do not receive educational funding from INAC; their education falls under the jurisdiction of local provincial schools boards. Thus First Nations have been segregated into on-reserve and off-reserve designations with respect to primary and secondary education even though all the children are part of one First Nation. If no school exists on a reserve the First Nation through a tuition agreement can purchase educational services from a provincial school board. Thus all children (on and off reserve) would attend one school in this scenario. However, if a school is established on a First Nation, off-reserve band members cannot attend the First Nation school (unless they pay their own tuition), because INAC provides no educational funding at this level. In this article I report on a novel solution to this problem proposed by Moose Cree Education Authority: reverse tuition agreements. A reverse tuition agreement reverses the role of First Nations and provincial school boards, that is, the provincial school board purchases educational services from the First Nation for off-reserve band members. There is nothing improper (i.e., illegal) with this type of arrangement; however, the Moose Cree Education Authority has had difficulty trying to implement this type of agreement. Although quality of education has been presented as a major issue, it is shown not to be the real issue, which is local control of education. Empowerment of First Nation communities is what is at stake.

Local control of education is the ultimate goal of First Nations people; it is a right that we have inherited as an Aboriginal nation. Regaining control of education is key to the advancement towards self governance. Through education, future generations are prepared to manage and control the affairs of their community and thus their own destiny. (Faries, 1997a, p. 1)

Until the 1970s the Department of Indian and Northern Affairs Canada (INAC) was responsible for the education of First Nation band members residing on the reserve. When no educational facilities were located on the reserve at the elementary and secondary levels, INAC through tuition agreements obtained educational services from provincial school boards on behalf of First Nations (Beck, 1997). It must be noted that First Nation members who resided off the reserve automatically attended provincial schools, their education being paid for through municipal taxes. Tuition agreements between INAC and the provincial boards "outlined the type of services to be provided by the Provincial School Board for a cost per pupil or 'Tuition Fee.' The provincial Board agreed to take on pupils not within their jurisdiction ... by choice not by obligation" (Beck, 1997, p. 7).

When First Nations were given control of educational monies in the 1970s, the onus for initiating and purchasing these services was inherited by the First Nations or First Nation organizations (Beck, 1997).

Funding for education is generated from student numbers on the Nominal Roll according to INAC's funding formula (Moose Cree Education Authority [MCEA], 1997a). Only *on-reserve* band members are eligible for education funding at the elementary and secondary levels; *off-reserve* band members are "under the jurisdiction of the local provincial elementary/secondary school boards and therefore ineligible for funding from the Department [INAC]" (Shawbonquit, 1997, p. 1).

In theory the funding arrangements appear well defined; on-reserve band members are funded by INAC through the Nominal Roll, whereas off-reserve band members pay municipal taxes and the provincial school boards supply the education. However, a dilemma arises when a First Nation that has been purchasing educational services from a provincial school board establishes its own school on the reserve and proposes that all band members (on and off reserve, i.e., the whole community) attend the First Nation school. Funding for on-reserve band members is still clear with INAC supplying the monies. Financing for off-reserve band members who wish to attend the new First Nation school is a problem. A reverse tuition agreement could solve the problem.

A reverse tuition agreement reverses the roles of First Nations and provincial school boards with respect to typical tuition agreements. That is, in the proposed scenario, "a Provincial Board is seeking to purchase educational services from the First Nation ... not entirely new to Provincial Boards where it is common practice that one provincial school will purchase specific educational services from another provincial school" (Beck, 1997, p. 7).

In this article I present a case study of reverse tuition agreements with respect to off-reserve members of Moose Cree First Nation, Moose Factory, Ontario.

The Community

The Mushkegowuk Territory of northern Ontario is located on the western shore of James Bay and the most southerly section of Hudson Bay. This area is populated by approximately 10,000 Cree who inhabit six First Nations (including Moose Cree First Nation) and one town (Moosonee). Moose Factory Island is located near the mouth of the Moose River and is populated by approximately 2,000 people, most of them members of Moose Cree First Nation or MoCreebec (an association of First Nations people originally from the east coast of James Bay). Moose Factory Island is partitioned into three major land-ownership designations: Moose Cree First Nation, federal, and provincial. Although most Moose Cree First Nation members reside on First Nation land, a portion of the membership resides off the reserve. Meanwhile, the town of Moosonee has approximately the same population, but a larger portion of non-Natives. Moosonee is located directly across from Moose Factory Island on the mainland.

Before September 1, 1997, there was no elementary or secondary school located on Moose Cree First Nation land. All on-reserve students attended either Moose Factory Ministik School, an elementary provincial school (K-8) operated by the Moose Factory Island District School Area Board (MFIDSAB) or, typically, Northern Light Secondary School (NLSS), a secondary provincial school operated by the

James Bay Lowlands Secondary School Board (JBLSSB). Similarly, off-reserve Moose Cree First Nation children and non-status children attended either Moose Factory Ministik School or Northern Light Secondary School (MCEA, 1997a). In addition, some on-reserve Moose Cree First Nation members attended an alternative school, the Moose Factory Academy of Christian Education, an elementary school (K-8) run by the Moose Factory Academy of Christian Education Board. Funding was provided by Moose Cree First Nation (Gunner, 1997).

Transporting Moose Factory Island students to and from the island to NLSS is a major issue. During freeze-up (the end of October to early January) and break-up (late April to mid-May) of the river, students attending NLSS have to reside in the old army barracks in Moosonee during the week, returning home for weekends by helicopter. During the winter, buses take students from Moose Factory to Moosonee via an ice road on the river. During the rest of the year, transportation across the river is supplied by barge or boat (B. Katapatuk MCEA, personal communication).

The safety and comfort of Moose Cree First Nation children during transportation to and from Moosonee has been in the past and still is a major issue (for off-reserve members of Moose Cree First Nation), as attested to by this passage taken from the MCEA community meeting (MCEA, 1997a):

Throughout the years, in ... reports, studies, surveys and meetings there is one re-occurring THEME—concern for the safety and well being of students. They have to travel ... concerns with staying in the barracks, food in the cafeteria ... concerns continue to be raised regarding various incidents as drug overdose of students at Barracks, police were not informed, concerns with safety of bus transportation on the river road in winter and concerns with helicopter doors popping open while in flight this past fall. (p. 3)

Obviously safety factors should be the first issue addressed in all discussions concerning Moose Factory children and reverse tuition agreements.

Local Control of Education

The philosophy of the MCEA (1997a) is "to achieve the cultural, spiritual, social and economic independence of the Moose Cree First Nation membership by exercising local jurisdiction over First Nation Education or simply 'Local Control Of Education'" (p. 2).

The movement toward local control of education on Moose Factory Island formally began in the early 1980s with the report by Faries (1984) entitled *Moose Band Education Review for Local Control of Indian Education*, identified the need for a junior high school on Moose Factory Island. During the same time year and then three years later, Motions #184 and #87-05-98 respectively were passed by Moose Cree First Nation Chief and Council supporting the need for a junior high school on the island. Other reports, such as the Blake Report by Norquest Associates in 1991 and the *Implementation Workplan for Local Education Authority* by J. Beck in 1992 reaffirmed the necessity for local control of education (MCEA, 1997a).

In 1994, E. Beck (Chief of Moose Cree First Nation) sent a letter to the Ontario Ministry of Education

requesting the assistance of the Ministry of Education to accommodate issues at [the] local level in regards to concerns of Parents on [the] safety of students and [the] need for a Junior

High on Island. [He] seeks support in creating a partnership with both local Boards in the development of the proposed Junior High on the Island to address the issue of SAFETY. (MCEA, 1997a, p. 4)

Thus two options were explored: (a) partnerships with MFIDSAB and JBLSSB for a new facility on Moose Factory Island; and (b) MCEA could do it alone using on-reserve student numbers to fund the construction of the new school. The second option was the least favorable, because this route would not address the issue of safety of off-reserve band members traveling to NLSS in Moosonee. In other words, the issue of safety of the community as a whole (on- and off-reserve members of Moose Cree First Nation) would not be addressed (MCEA, 1997a). Sadly, MCEA was forced to act on the latter option because a 1994 petition with approximately 200 off-reserve members endorsing the idea that their children attend a First Nation administered school was ignored by MFIDSAB when MFIDSAB declined partnership with the MCEA (MCEA, 1997a; Tomatuk-Bagan, 1997). The 1994 petition was never officially submitted to JBLSSB because F. Roussy of JBLSSB did not wish to discuss reverse tuition agreements because this type of agreement had not previously been in existence (MCEA, 1997b). I stress that MCEA could not influence the decisions of either board because on-reserve Moose Cree First Nation representatives were always in a minority position (MCEA, 1997a). For example, although 70% of the student population at Ministik School are Moose Cree First Nation members (MCEA, 1997a), only two representatives of a five-member MFIDSAB are on-reserve representatives, the other three representing off-reserve interests (B. Katapatuk, personal communication).

In June 1996, the construction of the new First Nation school began using funding allocated only for on-reserve members. In November 1996, MFIDSAB received correspondence from the Ontario Ministry of Education and Training (OMET) stating that reverse tuition agreements were allowed within the confines of the Education Act (MCEA, 1997a). In addition, on November 1, 1996, the Curriculum Framework Project was initiated by Faries of Moose Cree First Nation on behalf of MCEA (Faries, 1997b).

The Curriculum Framework Project

One important aspect of education which is vital to true local control is the curriculum—what and how the students will be taught. The curriculum determines the worldview, attitudes, knowledge and skills that young people will gain as they progress through the education system in preparation for life, for higher learning and for employment. (Faries, 1997a, p. 1)

In an effort to elicit direct input from all Moose Cree First Nation members (on and off reserve), an education survey was devised. Three community brainstorming sessions were held between November 1 and November 29, 1996, allowing for the discussion of all aspects of education, especially in relation to the curriculum. Information gained from these brainstorming sessions was used to devise a first draft of the education survey (questionnaire). The final version of the questionnaire was delivered to all Moose Cree First Nation houses both on and off the reserve during December 1996. Several topics addressed in the questionnaire related to academic subjects (e.g., English language, mathematics), traditional Native skills

(e.g., food preparation, bush skills), traditional Native knowledge (Cree language, natural environment), other subjects (e.g., addiction awareness programs, health studies), resources (e.g., elders, staffing), and career guidance and counseling. Questions in the survey were either Yes/No or graded (i.e., very important, somewhat important, not important) responses. Of course, there was a section for any additional comments. Assistance was provided to all people who requested it (Faries, 1997a, 1997b).

Of the 350 questionnaires that were delivered to the community, 235 replies were received (67%). This is a respectable return rate. Demographic data indicated that all ages were represented (age group in years, number of participants, percentage of total number of participants: 60 ≥, N=25, 11%; 50-59, N=10, 4%; 40-49, N=33, 14%; 30-39, N=54, 23%; 20-29, N=58, 25%; 13-19, N=42, 18%; ≤ 12, N=13, 5%), being indicative of the community as a whole. Overall, the community survey showed strong support not only for the Native curriculum, but also for the academic subjects (Faries, 1997a). Moreover, the survey left the community feeling empowered with a direct say in their children's education or their own education. The feeling of community empowerment is clear, as is indicated in these comments by community members:

This survey is the best way to gather people's ideas because people do not go to meetings; sometimes they are afraid or shy to speak out, but this survey gives everyone a chance [anonymously]—an equal chance to say what they feel. I think the new education authority is right on! They are involving us ... keep up the good work.

I am pleased that the education board is trying very hard to get community members involved, by doing this survey. Everyone has a chance to a say, instead of only a small group.

This survey is good because it gets people involved in making important decisions. .

I congratulate MCEA for allowing the people to have a say in the direction of education. It's good to see our community working together; let's put our personal conflicts and jealousies aside and let's work together. We probably have the best qualified and highest educated people right here. We are very fortunate, not all First Nation communities have what we have. Let's appreciate each other. That way we can work to make a better education for our future leaders. (Faries, 1997a, pp. 48-49)

The Curriculum Framework Project ended in June, 1997 (Faries, 1997b, 1997c). However, as Faries (1997a) suggests, curriculum development is a continuing building process.

Reverse Tuition Agreements

In January 1997 a Joint Task Force Committee was formed consisting of two members from both MCEA and MFIDSAB. This group met bimonthly, and with the help of Keel & Cottrelle Barristers completed a draft reverse tuition agreement that was reviewed with respect to regulations of the Indian Act and that of the OMET (MCEA, 1997a; Wesley, 1997). On March 11, 1997, N. Wesley (then Chair MFIDSAB) sent a letter to L. Presseault (District Manager, OMET) informing the OMET of the status of the proposed reverse tuition agreement between MCEA and MFIDSAB. Three areas of concern were also described that required OMET consideration and response:

1. Ministry of Education and Training approval of a Reverse Tuition Agreement for all grades 7-8 students from Ministik School effective September 1, 1997.
2. The redesignation of Ministik School as a K-6 entity effective September 1, 1997.
3. To ensure integrity of the process, your views as to the appropriate forums available to our constituents to register their views. (Wesley, 1997, p. 1)

The response from Presseault (1997) was terse to say the least:

The issue [redesignation of Ministik School to a K-6 school] has been reviewed by the Ministry of Education and Training. The resident pupils of your board have a right to access provincial public education. The curtailing of provincial education to grade six on Moose Factory Island would deny this access and therefore the Ministry will not permit any change to the designation of the school. (p. 1)

Kapashesit (new Chair, MFIDSAB, 1997), in a letter to J. Beck (Executive Director MCEA), confesses, "to some real disappointment felt by all trustees. The Ministry of Education provided only a definitive statement as to the schools designation and no rationale as to the other two issues" (p. 1).

It should be noted that once Ministik School was denied the K-6 designation then the reverse tuition agreement was a nonissue, so in fact two issues were addressed but only one explained.

The reverse tuition agreement for off-reserve Moose Cree First Nation students hoping to attend the new high school instead of NLSS in Moosonee was not even addressed at the level of the OMET. The JBLSSB voted down a motion presented to support a reverse tuition agreement with MCEA on May 13, 1997 (Roach, 1997). Vice-chair Charbonneau was quoted as saying, "It is my feeling that the school on the island has not approached this board to discuss what provisions or checks they are going to put in place to conform to the protection of public education [provincial education standards]" (p. 1).

The Chair's (Jones) opinion was that "even if the board agreed to it, the provincial legislature would still have to vote on any agreement" (Roach, 1997, p. 1).

It appears from the position taken by both the OMET and the JBLSSB that quality of education is the main issue. Two assumptions were made by both the OMET and the JBLSSB with respect to quality of education: (a) quality of education is assured by adhering to provincial standards; and (b) First Nation organizations cannot provide a quality education unless they follow provincial guidelines and meet provincial standards. The safety of students attending Northern Light Secondary School from Moose Factory appeared to be of secondary importance as illustrated by the stance of JBLSSB with regard to the reverse tuition agreement.

Quality of Education

If quality of education is the real issue, supporters of this view have major problems. As stated in the OMET position paper (OMET, 1997a):

A new province-wide curriculum sets out clear, challenging and consistent standards for what students should learn year-by-year ... Regular, province-wide testing ... A new four-year high school program ... A return to the 3Rs is long overdue. The province set guidelines for what students should be learning. That's called the curriculum. In recent years, these requirements were not rigorous or demanding enough, and they were vague [my emphasis]. (pp. 1-3)

The message of the position paper is clear: Ontario's education system is inadequate for providing a proper education and needs to be reworked. The OMET even emphasizes how poorly Ontario students have performed on standardized tests compared with students from other countries and even within Canada. For example, a graph is presented in the 1997 OMET position paper (p. 2) of results from an international test (taken in 1966) for grade 8 students in mathematics and science. The bar graph (vertical axis labeled with countries and the horizontal axis representing the average marks) exaggerates how poorly Ontario students performed with respect to students living in other countries and other provinces. The graph exaggerates the differences by having the origin along the horizontal axis begin at the 50% mark and by elongating the mark intervals along the horizontal axis. Elongating or shortening the increments along the horizontal axis and/or choosing an origin not at the zero mark can visually either exaggerate or partly negate differences reported in a study. One factor not accounted for in these test results—I am amazed that Ontario teacher organizations have not addressed this issue—is that it is improper and deceiving to compare a grade 8 student from Ontario with other grade 8 students from other provinces or countries. As the OMET (1997a) have emphasized, "Ontario is the only place in North America that has 13 grades of school" (p. 1).

Again, in their position paper the OMET (1997a) makes reference to this point by quoting the 1994 Report of the Royal Commission on Learning: "No other jurisdiction in Canada, and few anywhere in the world, allocate more than 12 years to the compulsory education system" (p. 5).

When comparing grade 8 students from Ontario (13-year system) with grade 8 students from other provinces and countries (12-year systems), it is *expected* that the grade 8 students from Ontario would not perform as well. Grade 8 students from Ontario would have completed only 57% (8 of 14 years) of their 13-year program (this program actually takes 14 years, including kindergarten), whereas grade 8 students in a 12-year program (this program actually takes 13 years to complete) would have completed 62% (8 of 13 years) of their curriculum. Course material would not be as condensed in the Ontario program compared with the other system. The proper time of assessment to give a true indication of quality of education would be at the end-points of education, that is, grade 13 for Ontario and grade 12 for the other provinces and countries.

In light of the attempt by the OMET to emphasize how poorly Ontario students perform on standardized tests compared with other countries and provinces (using invalid comparisons as explained above), I cannot understand how L. Presseault (District Manager OMET) and the JBLSSB can endorse the right to access a quality education by recommending attendance at a provincial school. The OMET official position is that the quality of education has not been maintained by the present system and that the old curriculum needs major reworking. Moreover, the Ontario Curriculum will be in flux for the next few years; only two curriculum documents were available (Mathematics—OMET, 1997b; Language—OMET, 1997c) as of September 1, 1997. Further, the new four-year high school program will not start until 1999, with the classes entering grade 9 of that year (OMET,

1997a). Clearly, quality of education is not assured by access to the Ontario education system.

On the other hand, as has been stated by Beck (1997),

I believe the new school on the reserve will become an excellent school in due time as it matures and develops its staffing, programming and communication with the community. We need to remember in life there are no true guarantees, but we can always strive for excellence and we should. (p. 7)

The establishment of the Moose Cree First Nation school does not and cannot guarantee a quality education; it can guarantee that the people associated with the school will put forward their best effort. This is all that can reasonably be asked: hope for a better education delivered in a culturally appropriate manner.

Indeed, recent studies in Native education have provided hope that a quality education can be provided to Native children using Native learning strategies such as hands-on learning. For example, Zwick and Miller (1996) examined the performance (as measured by the California Achievement Test 85) of two groups of grade 4 schoolchildren: control group, 12 Native and 13 non-Native children; experimental group, 10 Native and 14 non-Native children. The control group was provided with a regular classroom-based science education, whereas the experimental group received an outdoor-based, hands-on educational experience. Results of the study indicate that:

the American Indian students provided with the outdoor-based science curriculum scored significantly higher than those presented with traditional classroom science methods [i.e., American Indians in the control class]. Also, there was no significant difference between the American Indian students and the non-Indian students in the experimental group. (p. 1)

The results of this and other studies (Lipka, 1990) suggest that Native children learn best in experiential and problem-based settings, that is, educational settings that are culturally appropriate. Non-Native children appear to learn equally well in traditional or nontraditional curricula. The implication is obvious: the use of culturally appropriate teaching techniques can lead to positive results for Native children, whereas the use of teacher-centered, classroom-based teaching techniques most often lead to Native children not reaching their full potential.

The Future

The frustration and confusion surrounding the reverse tuition agreements and the on-reserve and off-reserve designations is evident in these passages taken from the minutes of the MCEA community meeting (MCEA, 1997b, p. 8):

What are the chances of obtaining guardianship on reserve in order for my child to attend the new high school? (F. Morrison)

How long would our children have to reside on the reserve in order to obtain funding? ... Pretty sad to go through such extremes for our children to attend the High School. (K. Tomatuk)

I live off reserve and would like to attend the new high school. What are they [Chief and Council] going to do about it? (D. Cheechoo)

It is disturbing that the community (Moose Cree First Nation) has been segregated by the federal government into on-reserve and off-reserve designations

even though they are all part of one band (Tomatuk-Bagan, 1997). This is not a new predicament: in the past the federal government has taken it upon itself to define who is a Native. As Urion (1992) states:

in Canada a few people are recognized as "status" Indians by the government on the strength of some earlier marriage to a male Indian, but have no First Nation ancestor nor any cultural or personal affinity to any First Nation. At the same time, there are others who are monolingual in a First Nations language, who know no other culture, and whose ancestors are all Indian, but they are "legally" not Indians. (p. 2)

First Nations communities themselves should be deciding who is part of the community and who is not. Similar educational issues as described in this article are now or will be of importance to other First Nation communities (e.g., Upper Nicola Band, Charters-Voght, 1991; Lac Seul First Nation, Wawatay, 1996).

To conclude, the reverse tuition agreements were spotlighted in the school board elections held in November 1997, with a referendum question being present on the ballot (Kapashesit, 1997). It appears that Beck (1997) is quite correct in asserting that:

In reality "Local Control of Education" is the issue, not quality of education, Provincial standards, schools or Boards. The First Nation is committed to self-determination and that goal will be achieved through local control of education. The new school on the reserve is a major step in that direction. (p. 7)

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