

Assembly of First Nations

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Assemblée des Premières Nations

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ANNUAL GENERAL ASSEMBLY
July 9, 10, 11, 2024, Montreal, QC

Resolution no. 51/2024

TITLE: Chronic Underfunding in Education

SUBJECT: Education

MOVED BY: Chief Leroy Denny, Eskasoni First Nation, NS

SECONDED BY: Chief Roderick Gould Jr., Abegweit First Nation, PE

DECISION Carried by consensus.

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- i. Article 14(1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- ii. Article 14(2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
- iii. Article 14(3): States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.
- iv. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

B. Education is a fundamental human right. For First Nations, this right is uniquely situated within a framework of Inherent rights as Indigenous Peoples that are constitutionally protected under section 35 of the *Constitution Act, 1982*.

C. In ministerial mandate letters to all Cabinet Ministers, Prime Minister Trudeau states, "No relationship is more important to me and to Canada than the one with Indigenous Peoples. It is time for a renewed,

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nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership."

- D. In accordance with Assembly of First Nations (AFN) Resolution 65/2017, *New Interim Funding Approach for First Nations Education*, AFN Resolution 20/2021, *First Nations Control of Federal Funding* and, the *Policy Proposal: Transforming First Nations Elementary and Secondary Education, 2017*, the Government of Canada is required to work directly with First Nations to ensure that regional education funding approaches are agreed upon and reflect the diverse needs and circumstances of First Nations learners, schools, communities, and education organizations.
- E. Indigenous Services Canada (ISC) has failed to provide safe schools and facilities for First Nations as over 202 on-reserve schools are currently overcrowded, and 56 schools qualify for immediate replacement based on poor condition or age.
- F. The Assembly of First Nations (AFN) report, *Closing the Infrastructure Gap by 2030*, estimates the capital and operations and maintenance (O&M) funding requirement for First Nations schools and teacherages until 2030 is \$12.6 billion.
- G. ISC continues to only recognize post-secondary education (PSE) as a social policy and does not fund First Nations based on the Treaty and Inherent right to education. Furthermore, the 2024 Federal Budget marks the third straight year of ignoring programming and policy changes requested by First Nations-in-Assembly to improve PSE processes and funding for institutions and students.
- H. First Nations PSE students and institutions require more than \$10.34 billion over five years to support First Nations students, institutions, community-based programming, ongoing technical tables, and additional resources required for First Nations PSE models.
- I. AFN Resolution 35/2019, *Additional Funding for First Nations Elementary and Secondary Education* calls on the Government of Canada to provide additional investments in 2020 for First Nations elementary and secondary education in order to complete local, Treaty, and/or regional education agreements that accurately and adequately reflect the diverse needs and circumstances of First Nations learners, schools, communities and education organizations.
- J. Since 2019, the Government of Canada has failed to consistently support and implement REAs. In 2024, there are 10 signed REAs, and the AFN estimates a backlog of over 10 unfunded agreements. The 2024 Federal Budget marks the second year in a row that ISC has not committed to signing or implementing any new REAs. The AFN estimates that in the next five years, First Nations will require investments of \$3.8 billion to conclude REAs based on their real education needs.
- K. ISC's High-Cost Special Education Program (HCSEP) and Jordan's Principle continue to be oversubscribed funding sources for the most vulnerable First Nations students. Annual requests to Jordan's Principle for education services have reached as high as \$150 million.
- L. The AFN has identified a total shortfall of over \$28 billion in First Nations education that the Government of Canada fails to provide.

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THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Affirm First Nations Inherent and Treaty rights to education, including lifelong learning and education infrastructure.
2. Reaffirm that jurisdiction over First Nations education remains with each First Nation.
3. Assert that the Government of Canada has failed to uphold its fiduciary obligations to fund First Nations Inherent and Treaty rights to education.
4. Call on the Government of Canada to provide the funding required to address the chronic underfunding in education infrastructure, regional education agreements (REAs), inclusive education and post-secondary education (PSE).
5. Call on the Government of Canada to uphold the commitments identified in the *Policy Proposal: Transforming First Nations Elementary and Secondary Education, 2017*; *First Nations Post-Secondary Education Policy Proposal, 2018*; *Policy Proposal First Nations-led, local, regional and/or Treaty-based Post-Secondary Education Models, 2021*; and made regarding closing the First Nations infrastructure gap by 2030.
6. Call on AFN Legal to provide an analysis, including recommendations on a potential Canadian Human Rights Tribunal complaint on the ongoing and historical chronic underfunding of First Nations Education.

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