

For the Love of Learning

Volume IV: Making It Happen

Chapter 15: Constitutional Issues

In this chapter we focus on groups with special constitutional status who have concerns about funding, programs, and governance structures that flow to some extent from that status - Ontario's Roman Catholic, Franco-Ontarian, and aboriginal communities.

Many of the concerns expressed by these three groups with special constitutional status mirror those of the broader community, and thus are part of other sections of our report. For example, parents in these three communities share the concerns of parents of children in the public system about having greater involvement in their children's education and about effective communication between home and school. This chapter, however, deals only with issues that are the specific priorities of these groups.

Roman Catholics, who have constitutional rights to their own system, are concerned about barriers to equal opportunities for excellence: funding, preferential hiring of Roman Catholic teachers, teacher education, and structures in the Ministry of Education and Training. We make recommendations in three of these areas, while those related to funding can be found in Chapter 18.

Franco-Ontarians, who also have constitutional guarantees, are pressing for full implementation of their legally awarded right to manage their French-language education - a right that they believe is related to the opportunities for their students to reach a higher level of academic excellence, as well as to equity measures. Like the Roman Catholic community, Franco-Ontarians are concerned about having the resources to support and enhance their education system.

Aboriginal communities seek self-governance in education, and most of this concern must be dealt with at the federal level. However, aboriginal people articulated to us, and we responded to, several specific concerns about the quality of education for their children as it relates to language of instruction, curriculum content, resources, and teacher training - issues in which the province does have a role.

The Roman Catholic education system

During the public hearings, we spoke with a wide range of Roman Catholic educational representatives, as we did with public and francophone representatives. We found much in common among these systems, just as we discovered that each system has qualities and features distinctively its own. This suggested that while we must ensure equity and excellence in all three systems, their diversity means we do not have to have a one-size-fits-all approach to our strategies for educational reform.

The fact of the Roman Catholic system as a distinct educational community became particularly evident to us in a presentation by the Council of Ontario Separate Schools (COSS), an umbrella organization made up of the provincial associations of Roman Catholic parents, trustees, teachers, supervisory

officers, and bishops. In their joint presentation, these groups focused more on their common vision of education than on their different tasks and responsibilities within their educational system. They told us:

This grouping of associations comes to you together because in the separate schools of the province we are a community. We consider ourselves as participants in a deeply held covenant. The philosophical and theological underpinnings of our approach to education hold us together in ways which the exigencies of daily operations cannot alter.

They went on to develop a series of common positions and declarations that had a high degree of congruence and agreement on the major concerns of the Roman Catholic educational community. Consequently, as a commission, we had very little difficulty in getting a clear sense of their priorities for educational reform.

A brief history of Roman Catholic schools

The first classes established by Europeans in Ontario were for Native children, offered by French Jesuit priests in Huronia in 1634, which can be said to mark the beginning of Roman Catholic education in this province. These classes were followed in the 17th century by classes for the children of settlers in New France.

Very early in the 19th century, one-room English-language Roman Catholic schools were opened, the first in Glengarry County in eastern Ontario. Under the leadership of Bishop Alexander Macdonell in Kingston, Catholic education expanded when the first Catholic grammar (secondary) school was established in Kingston in 1839; it still operates today.

Initially, Roman Catholic schools were made possible by religious communities of women and men who organized the settlers to establish the schools, and who ensured their financial support.

We were told that the contribution of these communities particularly the communities of sisters - to Roman Catholic education in this province cannot be overstated. Indeed, until the past quarter century, the history of Catholic education in Ontario is inseparable from the history of these communities and the people who led them: until the 1950s, their members constituted the majority of principals and teachers in Catholic schools.

This pattern of school development and organization created the distinctive three-part character of Roman Catholic schools in Ontario. Church leaders, with parents and educators, created these schools from a joint vision of the place of education in the life of the broader community. The schools existed only because of the conscious and deliberate effort of parents to establish and financially support them. Many Ontario Roman Catholics acknowledge that constructing these schools was possible only through the efforts of the local church, and operating them was affordable only through the contributed services and sacrifice of the religious communities who staffed them. Thus, the partnership of home, school, and parish was always the ideal that guided their development.

Pre-Confederation legislation passed by the united legislatures of Canada West (later Ontario) and Canada East (Quebec) gave more formal recognition and support to Roman Catholic education. Notably, the Tache Act (1855) and the Scott Act (1863), among other things, allowed the election of separate school trustees, established separate school zones, and provided legislative grants to separate schools.

By the time of Confederation, Roman Catholic schools were well established: 18,924 students were being educated in Catholic elementary schools in 1867. The existence of denominational schools became

a key feature in the discussions over the unification of British provinces into one country. The guaranteed maintenance of Catholic denominational schools in Ontario, and of Protestant denominational schools in Quebec, was part of the "historic compromise" that made possible the union of Canada.

Section 93 of the British North America Act (now the Constitution Act, 1867) said clearly that such schools were guaranteed, and it placed a constraint on provincial authority over education, an otherwise unrestricted jurisdiction.

Section 93:

In and for each Province the Legislature may exclusively make Laws in relation to Education, subject to and according to the following Provisions:

- (1) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union;*
- (2) All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec;*
- (3) Where in any Province a System of Separate or Dissident Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education;*
- (4) In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf, then and in every such Case, and as far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the execution of the provisions of this Section and of any Decision of the Governor General in Council under this Section.*

Constitution Act, 1867

The constitutionally guaranteed rights were confirmed in Section 29 of the Canadian Charter of Rights and Freedoms, which is part of the Constitution Act, 1982.

Section 29:

Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissident schools.

Constitution Act, 1982

In the decades that followed Confederation - and despite substantial financial obstacles, particularly to the creation of secondary schools - Roman Catholic education continued to flourish. By 1900, there were 42,397 students in Catholic schools; by 1925, the number had more than doubled to 95,300 students. Religious communities of sisters, brothers, and priests continued to take the lead in setting up schools, including many secondary schools, with both residential and day students.

In 1969, provision was made for the creation of county and regional separate school boards, similar to

the provision made the previous year for public school boards. For historical reasons, these separate boards operated with some degree of public funding through Grade 10. Tuition fees were paid by parents of children in Grades 11, 12, and 13.

Through partnerships between the religious communities that owned and operated the schools and the newly created school boards, a small-scale secondary school system emerged - small not only in terms of the number of students it could educate but also in the limited range of course offerings it could make available.

Typically, Roman Catholic secondary schools at that time offered only core academic subjects such as math, English, science, and then only at the advanced level. Catholic students who could not afford the tuition, or who did not match the academic profile of Catholic secondary schools, either went directly to the local public secondary school or left at the end of Grade 10.

Furthermore, the fact that parents had to pay tuition fees in Grades 11, 12, and 13 ensured that a Roman Catholic secondary school education was a possibility for only the wealthier or most educationally committed families. This system could operate only on the basis of tuition fees paid by parents, lower salaries paid to teachers, and services and facilities provided by religious communities. Even this on-going sacrifice and commitment left the system on the verge of financial insolvency throughout this period.

In 1984, then-Premier William Davis announced his intention of completing the Roman Catholic education system by granting public funding through Grade 13 in Catholic schools. The Conservative government initiated the legislation, but the process was concluded by the minority Liberal government that won the next provincial election.

While Bill 30 was supported in its amended form by all three political parties, and was passed in the House on June 24, 1986, it was and still is the subject of much controversy. In a 1987 legal proceeding, the Supreme Court of Canada, in a 7-0 decision, ruled that the legislation was constitutional.

This completion of the Roman Catholic school system has resulted in both growth and change, especially at the secondary school level. With tuition fees abolished, children who previously could not afford to go to Catholic schools were given an opportunity to attend; this reduced the private-school, elitist image of Roman Catholic education, and made it authentically public and of service to all.

Moreover, improved funding made it possible to construct better facilities and to offer a wider range of courses. For the first time, Catholic schools had automotive shops and technical departments, as well as Latin programs and theology courses. The schools began to look more like the whole Catholic community, and not just a segment of it.

The development has brought substantial discussion in the Roman Catholic educational community on the issue of remaining faithful to its religious origins while being responsive to its public mandate.

In 1993, there were 621,143 students in Ontario Roman Catholic schools, 30 percent of the 2,042,710 students enrolled in the province. Of the total Roman Catholic student enrolment, 444,990 were at the elementary level and 171,153 at the secondary level. They were being educated in 1,343 elementary schools by 23,570 teachers, and in 201 secondary schools by 10,444 teachers.

Overwhelmingly, teachers in Roman Catholic schools today are not members of religious communities:

laypeople make up 97 percent of the teaching body. Whether they teach in the English- or French-language sections of the separate school system, these teachers have a shared vision of the education process.

Issues and recommendations

After we reviewed the four months of our public hearings, a group of issues of particular concern to the Catholic community clearly emerged. The following sections summarize these specific issues, some of which are also shared by the French community. Essentially these are related to the provision of resources and support services needed to preserve and enhance the Roman Catholic education system.

Funding

Without exception, every significant provincial Roman Catholic organization spoke to us of the need to reform education financing in Ontario. Trustees, parents, teachers, supervisory officers, principals, and clergy identified historic underfunding of Catholic schools as a province-wide problem and as an unjustifiable inequity, one that leaves hundreds of thousands of students without educational resources that meet generally accepted standards.

We were told that while there have been some recent changes in funding practices, several separate school boards hover on the edge of bankruptcy. Growth in the Catholic school system over the past two decades has compounded the problems caused by underfunding, and has resulted in inadequate facilities and permanent overcrowding.

Of the 40 boards in the province with the lowest per-pupil income from property assessment, 39 are Catholic. Of the 60 boards in the province with the highest such assessment income, only three are Catholic, and none of these three is among the top ten. This province-wide situation means profound disparities in programs and facilities between and within the same municipalities and counties.

We were told of a board that was compelled to choose between computers or musical instruments for its schools. The times being what they are, the board chose computers, but it was the kind of necessary choice that diminishes us as a society.

We were told of Catholic boards with schools in which, except for kindergarten, children spend their entire elementary level years in temporary facilities - a euphemism for portables - to be followed by life in a high school where lunch begins at 9:00 a.m. because the cafeteria holds only 300 of the school's 1,800 students. In this context, it is understandable that a sense of desperation was evident in some submissions from the Catholic community.

In Chapter 18, we discuss the present structures in education funding that have caused this situation, and make recommendations for comprehensive reform of education financing to eliminate these inequities.

Section 136 of the Education Act

As described earlier, Bill 30 did not accord funding to Catholic schools equivalent to that of public schools, but it did permit completion of the Catholic education system as a publicly funded education entity. Specifics of the revised funding are discussed in detail elsewhere; essentially, the Roman Catholic system became fully public in that it was funded totally from public sources.

Section 136 of the Education Act, covering hiring practices of separate school boards, was passed as part of the legislation enacted with Bill 30; it was an amendment to the original Bill, and, beginning in 1995, will have the effect of denying Roman Catholic school boards the right to favour Catholics in hiring teachers for Roman Catholic secondary schools.

At the time, the Catholic community strongly opposed this amendment, and it remains convinced that the section would be declared unconstitutional should any legal challenge be raised. During the public hearings, there was a clearly stated belief, expressed especially by trustees, that over time the very identity of Catholic schools is at risk if boards lose the right to hire, preferentially, Roman Catholic teachers.

Catholic schools have always hired a number of non-Roman Catholic teachers, and we encourage them to continue to do so. Most of these men and women are recognized by Catholic boards as excellent teachers who have made substantial contributions to their schools. However, these teachers have always been a small minority, and with the exception of the designated teachers who were transferred to the Roman Catholic from the public system after Bill 30 was passed, they were freely chosen by the boards that employ them. Thus the religious orientation and character of the Roman Catholic school was never at risk.

The concern of the Catholic community is that once section 136 comes into effect, the inability of the boards to guarantee Catholic teachers in the classrooms will erode the school's religious foundations. Parents who have specifically chosen to send their children to Catholic schools - sometimes at considerable inconvenience - have particularly strong feelings on this issue.

Central to the curriculum in any school is its culture: the sum of the dominant values, ideas, and beliefs that shape the learning environment and give the school its character and identity. It is evident that in Roman Catholic schools, religion is a core element of the school's culture and its reason for being. Throughout, this report has made clear the centrality of teachers in creating and sustaining the learning culture of the school. Thus, the religious commitment of the teachers in Roman Catholic schools is a vital element in establishing and maintaining their religious focus.

The declared expectation in Catholic schools is not that teachers will be spiritually neutral but that they actively attempt to blend their professional abilities and skills with their own spirituality. Presenters to the Commission frequently repeated that Roman Catholic schools attempt to be communities of faith as much as they attempt to be centres of learning.

In order for Catholic schools to maintain their identity and preserve their unique philosophy of education, Catholic school boards should not lose the right to favour hiring teachers who are members of the community of faith that is itself at the heart of the school.

The members of the Catholic education community have clearly stated that the potential introduction of large numbers of non-Catholic teachers into the system places the religious identity of Catholic schools in jeopardy. The maintenance and promotion of this identity is crucial to the work of the school and is part of the very reason it exists.

Recommendation 115

***We recommend that section 136, which restricts preferential hiring in the Roman Catholic school system, be removed from the Education Act.**

Representation in the Ministry of Education and Training

Many Catholic stakeholders told us that although Roman Catholic schools educate 30 percent of Ontario students, including almost 83 percent of all francophone students, and constitute a province-wide education system from kindergarten to OAC, that system is not appropriately represented at the Ministry of Education and Training.

This is particularly evident in two ways. First, the number of Ministry education officers with a separate school background is not always representative of the size of the Roman Catholic system; consequently, there is a lack of understanding by the Ministry of the Catholic system's priorities and concerns. Second, the Ministry has no "team" (formerly called a "branch") comparable to the French-Language Education Policy and Programs Team, which would be responsible for presenting the Catholic education viewpoint.

These numeric and organizational deficiencies account for the repeated references made during our public hearings to an inability by the Ministry to understand and meet the specific needs of the Roman Catholic education system.

The Common Curriculum, Grades 1-9, released in February 1993, readily demonstrates the point. In the words of *The Common Curriculum*, "The outcomes in this document shall form the basis of the programs, learning activities, and specific outcomes that school boards develop for each grade."

Although it is supposed to be the province's core curriculum document for Grades 1 to 9, the 97 pages of the document contain one reference to Catholic curriculum - a footnote on the bottom of the first page. The subsequent version, written for parents and the general public later that year, contains no reference whatsoever to curriculum in Roman Catholic schools.

Without a Catholic Education Team, the document did not receive essential expert curriculum input from that perspective at the design stage. Therefore, before it is implemented, enormous work will have to be done by boards to make the document consistent with the education philosophy and priorities of separate schools.

This does not appear to us to be an appropriate curriculum development process for the Ministry to follow, especially in light of the added curriculum responsibilities that elsewhere in this report we recommend the Ministry undertake. The Catholic education community does not experience this as an isolated example of Ministry unawareness of the curriculum differences between public and separate schools.

We recognize that there are two English-language components in the province's publicly funded education system, and that each has a distinct curriculum orientation and philosophy. It is imperative that the Ministry, in the development of its programs and curriculum, be aware of these differences and be capable of meeting the needs of both components. While an element of Roman Catholic education comprises courses in religious education, the fact of this additional subject in Catholic schools is not the essential curriculum difference between public and Catholic schools: the essential difference is the philosophy and values that shape the rest of the curriculum.

At present, there is no structure in the Ministry to ensure that an appropriate curriculum is developed for a school system that educates one-third of Ontario students.

In order to meet the curriculum needs of separate schools, as well as other system-wide needs, it is

essential that the Ministry have adequate and influential representation of the Roman Catholic system among its education officers, senior administrators, and other professionals. Furthermore, the Ministry should have a team with the specific task of representing Catholic education concerns. Its responsibility could include co-ordinating Ministry policies related to Catholic education and maintaining liaison with the Catholic education community.

The focus of this discussion has been on curriculum issues, but assessment, teacher education, and governance are other areas where the Roman Catholic system perspective would vary from that of the public system.

Recommendation 116

*We recommend that, with reference to the role of the Roman Catholic education system, the Ministry of Education and Training ensure appropriate and influential representation from the Roman Catholic education system at all levels of its professional and managerial staff, up to and including that of Assistant Deputy Minister; and that the Minister establish a Roman Catholic Education Policy and Programs Team or branch in the Ministry.

Teacher education

The vision of education and the nature of curriculum in Catholic schools imply a specific professional preparation for teachers intending to work in the Roman Catholic system. If Catholic schools are to meet the mandate they have been given by their community, they not only require teachers who are Roman Catholic but people who are professionally prepared to teach in a Roman Catholic context and tradition.

Part of the pre-service formation of all teachers who wish to work in the separate school system should include at least one course dealing explicitly with Catholic education theory and practice, and there should be one course specifically for teachers who will be teaching religious education. The first course is described by the Catholic community as a foundations course, while the second is referred to as a religious education course.

At the present time, pre-service teaching programs at English-language faculties of education in Ontario do not differentiate in their degree requirements between teachers who wish to teach in the public school system and those who wish to teach in the separate. Programs offer mandatory foundation courses that do not adequately prepare teachers to work in the distinctive Catholic education context and thus do not meet the needs of the separate school system. Candidates aspiring to teach in Catholic schools need to be familiar with the history of Catholic education in Ontario, with the governance and organizations in the separate school system, and with the approach to curriculum used in these schools.

In the area of religious education, faculties currently have limited programs available, some of which are for credit and some of which are not. Courses vary in length from 15 to 40 hours, with program content differing substantially among faculties.

Characteristically, these pre-service religious education courses, accredited or not, are optional and taken in addition to a full academic program. This program and credit disparity causes problems for the Catholic education system because religious education in Catholic schools exists at all grade levels as a core subject area and is based on province-wide curriculum documents. The random, ambiguous status of pre-service religious education courses at faculties does not do justice to the importance of this subject in Catholic schools.

While the pre-service religious education courses are of value to student teachers and school boards, and while the people who teach them work very hard to provide the best possible programs, irregular credit status and content restrict their effectiveness in preparing religious educators.

If we take seriously the proposition that education in Roman Catholic schools is based on an educational philosophy and practice distinct from the public system, we must also conclude that the preparation of teachers for the Roman Catholic system must have distinctive elements.

In current pre-service programs, the Catholic component of teacher preparation is treated as an add-on and discretionary, not as fundamental and mandatory. In their programs, faculties of education do not reflect the reality that Catholic education philosophy is derived initially from a theological foundation, not from pedagogical theory, and they do not give student teachers exposure to this philosophy as part of their initial training.

Nor do faculties take seriously the fact that religious education is a core part of the curriculum in Catholic schools, and that teachers require professional preparation in order to teach the subject effectively.

The Ministry of Education and Training has a responsibility to ensure that professional preparation of teachers reflects the needs of the separate and the public sections of the publicly funded education system. Some people in the Catholic education community have suggested that to accomplish this effectively, a Catholic faculty of education with its own program is required for those preparing themselves to teach in Roman Catholic schools - although by no means does it seem to be a unanimous opinion in this community.

Having considered the various options, the Commission is of the opinion that in order to respond to the Catholic education community's legitimate request for professional preparation of its teachers, it is not now necessary to create a Catholic faculty of education, nor are two completely different tracks or streams required within faculties. However, we are convinced that faculties of education should respond to this request by providing a single core course (a foundations of Catholic education course) and a religious education course for all Catholic teachers.

Recommendations 117, 118

*We recommend that the Ministry of Education and Training and the faculties of education establish a pre-service credit course in the foundations of Roman Catholic education, and that this course be available at all faculties of education in Ontario.

*We recommend that the religious education courses currently offered at faculties of education receive full credit status and be made part of the regular academic program.

Learning in French: Rights, needs, and barriers

More than 250 briefs and presentations were made to our Commission by Franco-Ontarians, both young and old. This is a clear indication that they participated fully in our deliberations. We also held a special day of consultation in Timmins for Franco-Ontarian associations involved in education, as well as a comprehensive video-forum in both Ottawa and Toronto with ethno-cultural francophones. Both individuals and associations spoke passionately of the history that has led to the development of their

schools and of French-language education in Ontario. They expressed hope for the Commission's recommendations, taking great care to clearly spell out their viewpoints and claims. They conveyed their vision of a French education system "from cradle to grave," even sharing with us plans for their budding community colleges and dreams of a francophone university.

Their presentations repeatedly echoed the injustices they suffered at the turn of the century, with the suppression of some of their rights in French-language education. Men and women, parents and educators, students of all ages - all spoke of their frustrations with an education system whose structures and management methods put them at a disadvantage, systematically trip them up, and paralyze their development. Again and again, they urged us to see to it that their rights are respected, thereby enabling Franco-Ontarian schools to play their role to the fullest in helping the francophone community achieve its highest potential. To a large extent, they attributed their high drop-out level, lesser academic successes and lower economic status of their adult population to the system's built-in inequities and restrictions. In a nutshell, they clearly conveyed to us just how critical a quality education in French is to the survival of their language, their culture, and their community.

We also learned from other francophones in Ontario - new Canadians and citizens from other provinces whose life experiences are different from those born here - that their perspectives, needs, and expectations do not always mesh with Franco-Ontarian objectives when it comes to their children's education.

Our mandate was very specific with respect to the constitutional rights of francophones and Catholics. While the reader will have observed the extent to which francophones' particular interests are reflected throughout this report, this section deals primarily with the administrative and political aspects of French-language education in Ontario from a management and governance perspective. Following a look at the historical, socio-demographic, and educational dimensions, we will address the issue of Franco-Ontarians' constitutional rights and the extent to which they are enforced, and conclude with an overview of the equity measures needed to ensure the future of this community.

A glimpse of history

French-language classes had been taught and courses given in isolation throughout Ontario almost a century before the end of the Seven-Year War in 1763, when all of New France was taken over by England. However, the first true French-language school - to be precise a Catholic and private school - in what is now known as Ontario did not come into existence until 1786, in Windsor, then known as L'Assomption du Detroit. The establishment of another French-language school then followed in Kingston.⁽¹⁾ In practice - and this may surprise some - French-language education in Ontario had been on-going since the arrival of Europeans that is, from the moment the French arrived in the 17th century, which means well before Confederation in 1867 and the British North America Act, which granted provinces total and exclusive jurisdiction over education. Until then, French-language schools were treated in the same way as English-language schools, receiving the same type of funding and enjoying the same status. Usually established by the parish priest or a local group of parents and parishioners, these schools were partially funded by property taxes, even receiving, at the turn of the 19th century, government grants. However, as most French-Canadian schools were Roman Catholic, they, like anglophone Catholic schools, were subject to the same restrictions.

At the turn of the 19th century, the francophone population was centred in the southwestern region of Upper Canada, in both Essex and Kent counties. Around the 1830s, the population began to expand into

the southeastern region, into what is now the Prescott-Russell area.

It was during the decades immediately preceding Confederation, following the affirmation of Protestant Anglo-Saxon political-economic power with the infamous Family Compact in Upper Canada (Ontario) that the political issues in education in this province were crystallized, especially with respect to the constitutional rights of Roman Catholics. From 1846 to 1850, when legislation was passed to establish the basis of the current education system, and in the years that followed, education in the French language was for all practical purposes accepted by Ryerson, education superintendent for Upper Canada, thus recognizing de facto rights of francophones. Towards the end of the 19th century, less than 20 years after Confederation, Ontario began to systematically deny these rights. Regardless of their particular interpretation of the root cause of this injustice, historians agree in their identification of a link between the new restrictive language policies after 1885 and the increase of francophone immigration into Eastern Ontario from Quebec. In this regard, on November 24, 1886, the Toronto Mail published the following:

The Prescott and Russell schools are the nurseries not merely of an alien tongue but of alien customs, of alien sentiments, and, we say it without offence, of a wholly alien people.(2)

According to the historian Chad Gaffield, this same time period signalled the birth of the Franco-Ontarian identity.(3) From 1885 to 1927, discrimination against education in the French language for Franco-Ontarians was actually being legislated, a measure that culminated in the notorious Regulation 17 of 1912, to this day an open wound in the heart of the community and a symbol of Franco-Ontarians' fight for survival. (This regulation limited the teaching in French to Grades 1 and 2, forbidding it at any other level. In effect until 1927, Regulation 17 was not abolished until 1944.)

At the national level, the denominational rights of Catholic or Protestant minorities were recognized constitutionally in 1867, under section 93 of the Confederation Act of 1867 (the British North America Act), which were confirmed in section 29 of the Canadian Charter of Rights and Freedoms of 1982. However, it wasn't until the 1960s that the linguistic rights of minorities francophones outside Quebec and anglophones in Quebec - were gradually recognized, and until the 1980s that they were enshrined in the Constitution. One can see the progression from the recommendations of the Bilingualism and Biculturalism Commission to the Official Languages Act and the federally supported programs for linguistic minorities that followed it.

In Ontario, the creation of French-language elementary and secondary schools within public school boards was finally legislated in 1968. French-language high schools therefore have only a 25-year history in Ontario. However, as there was no funding for Catholic high schools, either anglophone or francophone, prior to 1986 and Bill 30, Catholic francophones often sent their children to public secondary schools. After Bill 30, most of these students and their schools were transferred en bloc to the separate - that is, Catholic - school boards. The Ontario Ministry of Education set up minimal francophone structures at the provincial level with the establishment in 1972 of the Conseil superieur des ecoles de langue francaise, an advisory committee to the Minister on French-Language education. In 1980, this committee became the Conseil de l'education franco-ontarienne (CEFO), or the Council for Franco-Ontarian Education, and then Conseil de l'education et de la formation franco-ontariennes (CEFFO),(4) or the Council for Franco-Ontarian Education and Training, in 1993.

In 1977, the Minister of Education also appointed an Assistant Deputy Minister to be an advisor on French-language education. Since 1991, this function has changed to more direct responsibility for issues

in French-language education. In 1993, the position was broadened to include responsibility for other portfolios of interest to Ontario education in general, and therefore no longer officially designated as the Assistant Deputy Minister, French-language Education. Reluctant at first to accept this change that it perceived as a lessening of its status within the Ministry of Education and Training, the Franco-Ontarian community now sees that the positive result of this move is better representation of its interests.

Who are the Franco-Ontarians?

The Franco-Ontarian population is by far the largest thriving francophone minority group living outside Quebec and in all of Canada, followed by New Brunswick's Acadian community, which is half as large. If one refers to the OECD definitions, it could be said that the Franco-Ontarian community is made up of an "established minority" (Ontario-born) and of "new minorities" (new Canadians whose mother tongue is French).(5)

According to Statistics Canada's 1991 census data, which is confirmed in the latest study of the Association canadienne-française de l'Ontario (ACFO), the French-Canadian Association of Ontario, the Franco-Ontarian community can be described as follows:

The Franco-Ontarian community consists of 485,390 members whose mother tongue is the French language - that is, one Ontarian out of 20. One quarter of Ontario's northeastern population is Franco-Ontarian; in the east, 15 percent of residents are Franco-Ontarians. The 102,695 Franco-Ontarians living in central Ontario make up only 1.6 percent of the region's population, and elsewhere in the province those whose mother tongue is French are few.(6)

By adding to those numbers some 36,000 persons who declare French and another language as mother tongues, and by taking into account all corrective factors, the study points to an adjusted total of 503,568 Franco-Ontarians.

We are therefore looking at half a million people spread out in communities that are more or less francophone (with younger populations), first in eastern Ontario (Ottawa, Cornwall, and Hawkesbury) and then in the northeastern regions (Sudbury, North Bay, Timmins, Hearst, Kapuskasing, Kirkland Lake, and New Liskeard); or scattered elsewhere, throughout the anglophone population, with all the problems this entails for the school system. Despite the concentration of Franco-Ontarians in two of the province's regions (according to the Office of Francophone Affairs' own regional divisions; the Ontario Ministry of Education and Training divides the province into six regions), they still do not, except in northeastern Ontario, form a critical mass in the socio-political sense, although they are getting closer.(7) We also note the existence of a number of mixed marriages, a natural sociological factor when a minority finds itself scattered throughout an overwhelmingly anglophone society. This marriage of francophones to non-francophones invariably has a bearing on the language spoken in the home and contributes to some children's lack of knowledge of French when they begin kindergarten in francophone schools. This explains why for some 200,000 people within the Franco-Ontarian population, French is not the principal language spoken at home. The highest level of linguistic stability is currently found in both eastern and northeastern Ontario, which have the greatest concentrations of francophones in the province.

In matters of education, a majority of Franco-Ontarian parents, i.e., 82.5 percent, favour Catholic schools, a choice that generally doubles the problems of non-recognition of their rights.

The problems encountered by Catholics has been referred to earlier in this chapter.

Given the absence of French-language *secondary* schools in Ontario until the 1970s, an often-forgotten fact, it is not surprising to learn that many in the current generation of adult francophones are under-educated or even illiterate. Indeed, numerous briefs submitted to the Commission convincingly illustrated the root causes of this phenomenon. "Nearly 18 percent of francophones have not reached Grade 9, whereas only 7.4 percent of anglophones have left school before Grade 9.(8) Progress has been made, given that the percentage of francophones in this situation a few years ago stood at the 21.6 percent mark; however, the disparity between these two groups remains. "Under-education is one of the primary causes of illiteracy within the Franco-Ontarian community."(9)

The drop-out rate is higher among francophones than among anglophones, and this rate is thought to be higher yet in mixed secondary schools, where students of both languages are taught under one roof, and which often have anglophone principals, as opposed to homogeneous French-language high schools with francophone principals.

Young Franco-Ontarians, as a whole, also achieve lower scores on tests than their anglophone counterparts. In the 1993-94 provincial Grade 9 French-language reading and writing tests, only 66 percent of students achieved or exceeded provincial standards, compared with 89 percent of anglophones. In the national mathematics test administered in 1993 to students aged 13 to 16, following a decision by the Council of Ministers of Education, scores obtained by francophones compared favourably to those of anglophones with respect to material learned, but their scores were considerably lower than those of Anglophones in solving complex problems. (It is noteworthy that young Quebecers from the same age group achieved the highest scores in Canada in both respects). In 1992, the same trend was observed internationally in both science and mathematics tests (IAEP-2) administered to nine- and thirteen-year-old students: in sciences, thirteen-year-old Franco-Ontarians ranked 20 percent lower than Anglo-Ontarians, and in math, the nine-year-olds were at the very bottom of the international scale.

Francophone teenagers, when compared with anglophones, appear to have difficulty getting over the hurdle of Grade 11, but of those who do stay in school, the same percentage of francophones earn the Ontario Secondary School Diploma (OSSD) at the end of Grade 12 as anglophones. However, of those francophones that do complete Grade 12 or OAC, proportionately fewer of them, by at least half, go on to community college or university.(10) According to researchers at the Centre de Recherches en éducation du Nouvel-Ontario (CRENO), their participation at the secondary and post-secondary levels is linked to the availability of French-language programs.

Average individual earnings are 5 percent lower for Ontario's francophones than for anglophones.(11) With a few rare exceptions, the Franco-Ontarian community is noticeably absent in Ontario's political or economic power structures, and under-represented at the management level of the Ontario public service.(12) However, as with the educational statistics, economic indicators reveal that young Franco-Ontarians compare favourably to young anglophones. Tomorrow's generation appears to have a promising future, and this is undoubtedly linked to education.

New Canadians who speak French are also making an enriching contribution to the traditional Franco-Ontarian community. The ethno-cultural francophone community, a third of whom were born abroad, numbered 81,375 in the 1991 census, and all were of an ethnic origin other than French or British. At least 10,000 of them have settled in the province's northeastern region, with some 30,000 living in eastern Ontario, and their greatest recorded concentration is in the Metro Toronto area.

Were Ontario not the most heavily populated anglophone province in Canada, French schools would constitute a major component of its school system. "It is equal in size to half or more of the provincial education system of four provinces (Alberta, Nova Scotia, New Brunswick and Saskatchewan) and is larger than that of Prince Edward Island."⁽¹³⁾ Within the Ontario French-language education system, students currently attending the 398 Francophone schools and the 37 mixed schools number 100,000.

The collective voice of Franco-Ontarian youth was heard throughout our public meetings thanks to their provincial association, the Federation des élèves du secondaire franco-ontarienne (FESFO), which represents some 25,000 students from the province's 71 French or mixed high schools and had undertaken to conduct a survey with some 8,650 students across Ontario. The Association des enseignantes et des enseignants franco-ontariens (AEFO), the Franco-Ontarian Teachers' Association, and its local chapters, which represent 7,000 teaching professionals in Ontario, also submitted briefs.

The way that the francophone student population is divided into French-language instructional units differs from the division of the anglophone student population, with proportionally more francophone children in elementary schools (72 percent as opposed to 65 percent in anglophone elementary schools), but a number of factors could account for this situation.

Their constitutional rights

It is by way of denominational and not linguistic distinctions that the Fathers of Confederation decided in 1867 to protect Canada's minorities through constitutional rights, thus imposing on the provinces the obligation to provide education for Protestants and education for Catholics. The constitutional and linguistic rights of the francophone minority outside Quebec and of the anglophone minority in Quebec are still relatively recent. They are also very clear. These rights are firmly entrenched in section 23 of the Canadian Charter of Rights and Freedoms, which reads as follows:

Language of instruction

23(1) Citizens of Canada:

(a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or

(b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province, have the right to have their children receive primary and secondary school instruction in that language in that province.

23(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

According to this definition and based on the 1991 census, the Federation des associations de parents francophones de l'Ontario, a provincial federation of francophone parent associations, estimates that 163,695 Ontario children between the ages of 5 and 17, compared with the 100,000 registered for French classes, are the children of "rightholders," and thus constitutionally entitled to receive an education in French, under section 23 of the Charter.⁽¹⁴⁾

In subsection 23(3), which can be found in the endnotes of this text,⁽¹⁵⁾ the Charter limits these rights by

the principle of "where numbers warrant." In Ontario, the provincial government eliminated this clause from its legislation. Under the Education Act (1990), which deals with French-language instruction in sections 288-308, the education rights of Franco-Ontarians go further than elsewhere. These rights read as follows:

288 The following definitions apply to this section ...

"French-speaking person" means a child of a person who has the right, under subsections 23(1) or (2), without regard to subsection 23(3), of the Canadian Charter of Rights and Freedoms, to have him or her receive their primary and secondary school instruction in the French language in Ontario; ("francophone")

"French-language instructional unit" means a class, group of classes or school in which French is the language of instruction, but does not include a class, group of classes or school created under clause 8 (1) (y) (French-language instruction for English-speaking pupils);

289(1) Every French-speaking person who is qualified under this Act to be a resident pupil of a board has the right to receive elementary school instruction in a French-language instructional unit operated or provided by the board.

Subsection 291(1) extends the same right to secondary education.

On the other hand, access to education in French for ethno-cultural francophones is not entrenched in constitutional documents, as the Charter provisions are based on the citizenship of the parents, and then on whether they fall into one of the three categories described in section 23. Consequently, this right is not automatically conferred. A number of immigrants or refugees who settle in Ontario know French, either as a mother tongue or as a second language, and want their children to maintain this tradition. In this case, subject to parental choice and local availability, the Education Act (1990) applies, providing a procedure whereby parents submit a request to the French-language admission committee of the appropriate school board. Made up of a school superintendent, principal, and teacher, this body decides whether to grant admission in accordance with the board's own set of established criteria, which may include the newcomer's knowledge of French or the parents' attitude with respect to the mandate of Franco-Ontarian education. Not surprisingly, ethno-cultural francophones feel insecure and often frustrated by their status in the Franco-Ontarian school system. "We are not tenants!" they stated during our video-forum.⁽¹⁶⁾ The lack of information about the rules of the game and the apparently arbitrary nature of decisions pertaining to the admission of their children could, in our view, easily be remedied.

Recommendation 119

*We recommend, with reference to the admission of non-rightholders to French-language schools, that:

- a) the Minister of Education and Training give the CEFFO a mandate in consultation with school boards, to propose and ensure the adoption of uniform criteria for the admission of "non-rightholders" or their children;
- b) the Ministry of Education and Training require school boards to assume responsibility for making information about these criteria available to the relevant communities, particularly ethno-cultural communities;
- c) the composition of committees to admit non-rightholders or their children include one or more Franco-Ontarian parents and one or more parents from ethno-cultural communities.

Briefs submitted to our Commission provided, for our benefit, lengthy analyses of the limits and delays

in implementing the Charter over the course of more than a decade. The following excerpt from a Sudbury presentation summarizes succinctly the current situation:

Most francophone minority groups outside Quebec have had to resort to the courts to force their provincial governments to comply with the spirit and the letter of section 23 of the Canadian Charter of Rights and Freedoms, which guarantees their right to manage their schools. The Acadians of New Brunswick and Quebec's anglophone minority were the only exceptions to this rule. Although the Charter has existed for more than a decade, Ontario is only just beginning to timidly address the problem of autonomous French-language school boards and of community colleges.(17)

It is therefore understandable that in their briefs to the Commission, francophones often felt compelled to refer in great detail to historic judgments confirming the educational rights of the French-language minorities outside Quebec. They referred especially to the Supreme Court's two unanimous decisions, in the case of Mahe (Alberta) in April 1990 and in the case of Franco-Manitoban parents v. the Public Schools Act in March 1993, in which the Supreme Court explicitly upheld their educational rights as set out in section 23 of the Charter.

The recognition of constitutional rights

What exactly is the problem in Ontario today? The Report of the French-language Education Governance Advisory Group, also known as the Cousineau report, and often referred to in presentations to the Commission, details Franco-Ontarians' constitutional educational rights as follows:

These rights ... include:

- a) The right to a quality education in the French language equivalent to that provided in the English language;*
- b) The right to educational facilities;*
- c) The right to public funds to support French-language education programs, services and facilities;*
- d) The right to manage and control such programs, services and facilities.(18)*

While representatives of the Franco-Ontarian and ethno-cultural francophone communities also addressed the first three rights in their presentations, the fourth one, i.e., "governance by and for francophones," was unequivocally the subject of pressing recommendations throughout the province. Indeed, it was identified as the most crucial step in the recognition of the education right of the francophone minority.

In Ontario, school boards currently number about 170, 70 of which share the responsibility for the existing 435 "French-language instructional units" (FLIU), a term used by the Ministry of Education and Training to describe the province's French-language schools or classes, both small and large units. Four of these school boards are designated as French-language boards; they are located in Toronto (1), Ottawa-Carleton (2) and Prescott-Russell (1) and they are responsible for 110 French-language instructional units (made up of both classes and schools). One of the Ottawa-Carleton boards and the one in Prescott-Russell are Roman Catholic Separate school boards. The Prescott-Russell board was created in 1992, the other three in 1989. Their creation was made possible through the adoption of Bill 75 (1986), which amended the Education Act to affirm Franco-Ontarians' right to govern their own schools, and to Bill 109 (1988), the Ottawa-Carleton French-Language School Board Act.

Out of the other 66 boards responsible for French-language instructional units, 10 are practically French-language school boards, and are responsible for 155 such units. (One of these boards has neither an English-language school nor an English-language trustee.) Among these we find four small isolated school boards that manage one French-language school each, and, although they are not designated as such, these boards are for all practical purposes French-language boards. Three other small and isolated boards have mixed schools. However, 163 French-language instructional units are still being managed by 49 English language boards that include a francophone section made up of three trustees who sit on an 18- to 22-member board.

In addition to the 70 school boards operating FLIUs, nine other English-language school boards have no French-language instructional units, but they purchase French-language education from other boards. This formula applies in areas with fewer than 300 French-language students. It is up to these small francophone advisory committees working in entirely English-language boards to look after the French-language education needs of these communities. These committees, called FLACs (French-Language Advisory Committees), were heavily criticized before the Commission and were accused of being tools of assimilation.⁽¹⁹⁾ These "administrative variations on the same theme" make it more difficult to deal with the reality of the governance and management of French-language education with its hybrid and multiple forms.

The needs of francophone students and teachers could conceivably be understood by the anglophone administrative and political powers to the extent that these needs are perfectly identical to those of anglophone students and teachers. However, it would be naive or insensitive to believe that a majority could possibly be capable of putting itself in the minority's shoes to really understand from within the specific issues and challenges related to being a minority, to find ways of solving them, and to place the minority's interests ahead of its own. The probability of achieving such an ideal state of true understanding is further weakened by the complexity of issues such as the challenges born out of "the dilemma of bilingualism and socio-cultural identity,"⁽²⁰⁾ the need to revitalize the spoken and written language, cultural isolation, inter-community marriages, and the absence of a critical mass of francophones.

Furthermore, the majority group is not likely to analyze its own rules and procedures in order to find out how often they are structurally biased against the minority, whose interests are either arbitrarily swept aside or relegated to the lowest priority, either because of its small numbers or for some other "valid" reason. It is not surprising therefore that Franco-Ontarians insisted so strongly, in all their presentations to the Commission, on governance "by and for francophones," defining it as "their full right to make all decisions relating to education without being subject to ratification by the anglophone majority."⁽²¹⁾

The Commission also made passing note of the observations shared by the provincial auditor of Ontario in his 1993 annual report concerning the shortcomings of French-language education and of the criticism aimed at the Ministry. The following is an excerpt:

Ministry reviews suggest that the quality of French-language education in Ontario may on average not be equivalent to that provided to English schools. The main difficulty is in trying to provide quality curriculum, teachers and facilities to a small, widely dispersed population in a cost-effective manner. One impediment is that the distribution of students entitled to receive French-language education does not frequently coincide with the boundaries of the Ministry's regional offices and the school boards.⁽²²⁾

On this point, the provincial auditor concludes by underscoring the necessity for the Ministry of Education and Training to redefine the boundaries of its regional offices to meet Ontario's French-language education needs. In addition, he sharply criticizes the Ministry for the inadequate production of French-language learning materials, especially for the specialization years.

Francophone presenters were quite clear in noting that if on the one hand school governance is indeed a constitutional right, governance is not an end in itself. "Governance is a means of attaining a goal, that of providing a community with a system that favours empowerment and allows it to thrive."⁽²³⁾

Consequently, presentations and briefs sought not only to reaffirm the fundamental principle of governance "by and for francophones," but also to underscore the fact that a number of governance models are worthy of consideration, without necessarily offering the symmetry usually favoured by the bureaucracy.

With respect to governance models, the broad consultation on governance of French-language education carried out in 1991 by the French-language Education Governance Advisory Group cannot be ignored. Our Commission noted the general support expressed by the spokesperson of the francophone community during our public hearings, for the basic principles contained in its report (the Cousineau report) and their impatience in the face of government inaction. (The Cousineau report has yet to be implemented, and more than three years later, the government is said to be waiting for this Commission's findings before taking further action.)

The Cousineau report presented 57 recommendations relating to governance, supporting both the creation of new management structures and their implementation, as well as the establishment of conflict-resolution mechanisms. After stating that it was up to local communities to determine the fate of existing French-language sections, the report then went on to suggest the establishment of school boards at local, district, or regional levels, based on electoral representation in geographic areas defined differently from the current ones. More specifically, the report proposes the following as models for school governance:

- a) the possibility of establishing up to *two regional French-language school boards*, one Roman Catholic separate and the other public, in each of the six administrative regions of the Ministry of Education and Training, with appropriate funding and complete authority;
- b) the possibility of creating, within each of the Ministry regions, *French-language area school boards* each having, among other criteria, a resident day school population of 1,500 or more, all of the geographic area served by the participating school boards, and the capacity to offer French-language education from kindergarten through to the end of secondary school;
- c) the possibility of creating, within the Ministry regions, *local French-language school boards* each having, among other criteria, a resident day school population of 1,500 or more (subject to some adjustment in sparsely populated areas or other special circumstances), the same geographical boundaries as the existing school board from which it originates, and the capacity to offer French-language education from kindergarten through to the end of secondary school.

The report also recommends that French-language school trustees must submit, for Ministry approval, a detailed plan including an analysis of the impact of the proposed changes on their English-language counterparts.

It is true that reverse situations, i.e., English school boards that are too small, could result from the recommendations of the Cousineau report, or from any other chosen model of French-language governance. The government will therefore have to ensure that the governance model chosen by a given community does not result in a critical deterioration of the local English-language board (or of the future district or regional French-language school board) that such a community might be part of. Administrative creativity and flexibility will be required. For English boards in this situation, consideration may have to be given to grouping or consolidating, while respecting the interests of the local communities, even if this should lead to the implementation of different structures that do not yet exist in the Ontario education system, or to a particular asymmetrical situation similar to what would apply to French-language education.

We also recognize that at first glance some may fear the proliferation of French-language school boards of various natures, which would not lead to desirable economies of scale. However, this fear is dispelled by a more in-depth analysis because present-day economic pressures are already pushing school boards (and all other funded institutions like hospitals, universities, municipalities) to develop consortia and other co-operative management ventures.⁽²⁴⁾

A number of francophone groups, both formally and informally, have since developed their own innovative school governance models. For instance, Ontario's two French-language School Board Associations (AFCSO - public boards - and AFOCEC - Catholic boards) together reviewed the governance issue and developed a number of governance models, all of which are on record. A group of francophone directors of education have drafted a document that describes such a model.⁽²⁵⁾

The stakes are very high and the problem can no longer be put off; that can never be emphasized enough. The solutions do exist and models have been designed. There is therefore no need to reinvent the wheel; the time has come for action. As our Commission had neither the mandate nor the resources to tackle this challenge, the responsibility lies with the government and compels it to ensure that the proposed/chosen model respects the rights of Franco-Ontarians and meets their expectations.

We have discussed Franco-Ontarians' constitutional rights and the existing disparity between these rights and today's educational reality. We could build a case on the issue of equity, as this is also a matter of basic equity. In light of this, and conscious of both the relative size of the francophone population and its geographic dispersment except in two regions, we put forth the following recommendations, whose synergy and impetus are essential to assure the continued vigor of the Franco-Ontarian community.

Recommendation 120

**We recommend that the Ontario Ministry of Education and Training give the Conseil de l'éducation et de la formation franco-ontariennes (CEFFO) the mandate to recommend to the Ministry, as soon as possible and on the basis of existing documents, school governance model(s) by and for francophones, encompassing education from pre-school to the end of secondary school without, however, seeking to define structures that are administratively symmetrical to those of the English-language system; and that the government, through the Ontario Ministry of Education and Training, approve and diligently implement the recommendations submitted by the CEFFO with respect to school governance by and for francophones.*

Needless to say, having full governance without the appropriate resources currently being provided to the majority only represents yet another frustration, or one more injustice. The Ontario education funding system is not equitable, and as a result, Franco-Ontarians generally suffer in a number of ways as francophones, as Catholics, as residents of remote and isolated regions where their numbers are

proportionately higher, and as residents of communities with limited property tax revenue. The stakes are quite high for the Franco-Ontarian community, and this subject is dealt with in more depth in Chapter 18.

The future of a community

Beyond the family structure, school is an ideal milieu for the transmission of language and culture. Of course there are other agents that play a greater or lesser role, not the least of which are television, radio, and popular culture. Without a linguistic and cultural identity, a people in a minority situation languishes and slowly dies, swallowed up by the dominant culture. Earlier in this chapter, we underscored the high assimilation rate of the Franco-Ontarian community. In concrete terms, this means that francophone students often find themselves speaking English among themselves, in the hallways and at recess, because of the overwhelming appeal of the North-American anglophone youth sub-culture and its products. Even more troubling: many students in Ontario's French-language schools are unable to speak a word of French. As we have noted, some rightholders may not use the language at home.

We share the point of view of some researchers "that the assimilation of young people depends heavily on level of concentration of the francophone population."⁽²⁶⁾ Without significant geographic concentrations or, better yet, the added protection of a Franco-Ontarian critical mass, it is the schools that become the preferred rallying points for the communities. In their briefs, francophones constantly referred to the Franco-Ontarian school as having both a pedagogical mission and a community mission.

When francophones spoke to us of the necessity and the urgency for *animation culturelle* in schools, we were at first somewhat perplexed and not quite sure what it was all about, because this was obviously not an educational component of conventional schools. This concept, which was new to us, seemed akin to another often-cited and almost as mysterious a concept called *projet éducatif*. At the conclusion of our public meetings, the concept became clear. (Both concepts became clear!) In discussing the matter and further reflecting on it, we came to agree with the recent findings of a commission on young French-Canadians. In its report, this commission concluded that "we must create environments where life in French is possible."⁽²⁷⁾

Contrary to what is often believed, the Commission believes that assimilation is not primarily a linguistic issue. Rather, it is a question of culture. Those who wish to maintain a language must also support the culture that makes it useful.

Therefore, it seems to us that Ontario's French-language schools must be able to play a pivotal role in "life in French" for young francophones from pre-school to the end of secondary school, as recognized in the preamble of the French-Language Services Act (1986): "... the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations ..."

The ties between language and culture have also been defined in the Supreme Court decision in the Mahe case. Chief Justice Brian Dickson describes it this way:

My reference to cultures is significant: it is based on the fact that any broad guarantee of language rights, especially in the context of education, cannot be separated from a concern for the culture associated with the language. Language is more than a mere means of communication, it is part and parcel of the identity and culture of the people speaking it. It is the means by which individuals understand themselves and the world around them.⁽²⁸⁾

He also quotes from another decision:

Language is not merely a means or medium of expression; it colours the content and meaning of expression. It is, as the preamble of the Charter of the French Language itself indicates, a means by which a people may express its cultural identity.(29)

With regard to schools he states,

... it is worth noting that minority schools themselves provide community centres where the promotion and preservation of minority language culture can occur; they provide needed locations where the minority community can meet and facilities which they can use to express their culture.(30)

These texts could not have better expressed what Franco-Ontarians advocate in terms of French-language education.

Like so many others, including the writers of the Cousineau report, the Association française des conseils scolaires de l'Ontario (AFCSO), a provincial association of French-language school boards, also embraced the following definition of culture, adopted by UNESCO in 1982. It is a definition we also adopt:

In its largest sense, one can say that culture is the whole of spiritual, material, intellectual and emotional characteristics that makes any society or social group distinct. These include not only the arts, but also ways of living, fundamental rights of the human being, value systems, traditions and beliefs.(31)

We underscore here the work of the Centre franco-ontarien de ressources pédagogiques, the living embodiment of the relationships between language and culture within the education world.

To return to the concept of *animation culturelle* advocated in so many briefs, we were pleased to learn of the *Guide d'intervention aux paliers élémentaires et secondaires: Investir dans l'animation culturelle* (1994), a guide for the implementation of cultural "animation" at the elementary and secondary levels. Published by the Ministry of Education and Training, this document is currently being reviewed in the Franco-Ontarian schools. It seems clear to us that while this concept may include a pedagogical component, its roots are nevertheless embedded in the community and consequently require resources. It is equally clear that the new partnerships with society that we see as one of the key strategies in reforming the Ontario education system (see Chapter 14), as well as the community school advocated by leaders of the Franco-Ontarian community, can converge, depending on local choices.

Ontario's French-language schools must not only nourish, correct, enrich, and transmit the language but also its cultural foundations. They must do this within a delicate balance, in classes that include natives of the province as well as ethno-cultural francophone immigrant children, who also need to embrace their own distinctive identities before embracing the culture of their new milieu.

During the video-forum, a teacher spoke of her difficulty in suddenly finding herself in a minority situation on her own turf, in a class of newcomers, and accepting the cultural differences. Parents, on the other hand, shared their anxiety about the culture shock and the two sets of values - the family's, and the schools' - which often send contradictory messages to their children. In only one year, 1989-90, the percentage of the Franco-Ontarian students in the population in one of Ottawa's large French-language high schools dropped from 80 to 30 percent.

The impatience and frustration experienced by newly arrived francophones is quite certainly legitimate, but the resistance to change or the slow pace of it among certain elements of the Franco-Ontarian community are also understandable in the provincial educational context. As a Commission, we do not have any qualms about the future; the briefs from key groups involved in French-language education all underscored the importance of opening up to ethno-cultural francophone communities. We endorse the recent policy document of the Ministry of Education and Training, *Vers une nouvelle optique* (1993), (the equivalent document for English-language schools is *Changing Perspectives*, released in the same year), and most especially the *Guide pour l'élaboration d'une politique d'aménagement linguistique pour les écoles franco-ontariennes* (1994), a guideline for developing language policies in Ontario's French-language schools.

The other danger that threatens classes in French schools, just as it does in English schools, is the ghettoization by ethnic origin and the division into closed groups that ignore or are opposed to one another. Franco-Ontarian schools are therefore advancing with the twin challenge of having to develop both their own future and an educational direction that integrates pluralism and heterogeneity.

We will not repeat here a discussion of the education problems that ethno-cultural francophones share with other newcomers to Ontario: the assessment and placement of their children, parental participation, the equity of services offered, and the necessity of a culturally inclusive curriculum and resources. Besides these problems, the Association interculturelle franco-ontarienne (AIFO), a Franco-Ontarian intercultural association, also points out in its brief the improvements required in the recruitment, training, and professional development of instructional staff. This subject is dear to us. We are sensitive to these issues and address them in appropriate sections of this report.

We will also not revisit the requests for education equal in quality to that of the province's anglophone majority, or other general issues that parallel those found in the various briefs submitted to us. A number of requests made by Franco-Ontarians overlap, for various reasons, the request of other presenters throughout the province - for example, the importance of early childhood education, or of a real partnership between the school community and social, cultural, and other community services.

Based on the collective responsibility of Ontario society toward its francophone minority community, and to ensure that its rights are truly protected and exercised to the fullest, we add to our previous recommendations the following three points.

Recommendations 121, 122

*We recommend that funding by the Ministry of Education and Training automatically include among its calculation of grants and weighting factors, for all French-language instructional units, the budgetary supplements required to allow these units to offer, according to the needs identified by the community:

- a) accelerated language retrieval programs (designed for recovery, actualization and skill and development);
and
- b) the necessary animation culturelle in classes and schools.

*We recommend that for the early childhood education programs (children age 3 to 5), one of our key recommendations in Chapter 7, the provincial government give priority funding to French-language instructional units over every other school.

This section devoted to the issue of full recognition of Franco-Ontarians' education rights has sought to highlight two fundamental points in our report: without governance for and by francophones, the

Franco-Ontarian community is held back in its development and growth. It is further disadvantaged by inequitable access to funding and other resources. We also want to re-emphasize the urgency of exercising basic justice toward a minority community whose survival is essential to us all.

Aboriginal peoples

Currently, the federal government has responsibility for the education of aboriginal students living on reserves. However, a significant portion of the delivery of this education, especially at the secondary level, actually takes place in schools operated by provincial school boards, through purchase-of-service agreements between Native education authorities, bands, or councils of bands and various school boards. Even when education takes place on the reserve, in schools operated by the bands themselves, the provincial curriculum is followed.

When aboriginal people move off the reserves, their education comes under provincial jurisdiction through the local school board; therefore, whether aboriginal people live on or off a reserve, they have a considerable stake in provincial education policy.

Our recommendations here focus on aboriginal issues in relation to federal-provincial co-operation, programs, decision-making, and aboriginal languages.

Who are the aboriginal peoples of Ontario?

Like the rest of Ontario's population, the aboriginal people in this province are not a single, homogeneous group; there are 13 distinct Native languages spoken in the province, although some by only a handful of people.

The total number of aboriginal people in Ontario, approximately 244,000 according to the 1991 census, is approximately 2.4 percent of the province's population.⁽³²⁾ About 88 percent of the total are North American Indian; 9 percent are Metis; 1 percent are Inuit; and 2 percent are of other multiple origins.

Ontario's aboriginal population is the largest of any Canadian province. At the same time, it should be noted that the proportion of children and youth in the aboriginal population is higher than in the general population of Ontario or of Canada; this has important implications for the future.

According to the Ministry's 1993 September report statistics, there were almost 3,000 Native elementary students in the province's schools, under tuition agreements with the Government of Canada or with Native education authorities; 3,029 Native students receive their secondary education under similar arrangements. This is a decline of almost 500 students since 1992 and reflects the increase in the number of secondary students continuing their secondary education in the 21 private secondary schools registered with the Ministry and controlled by Native education authorities.

Almost 6,000 students were enrolled in programs that teach Native languages as a second language, either in schools under provincial jurisdiction or in inspected private (secondary) schools. Another 866 students were enrolled in these language programs in continuing education provided by schools boards - more than twice the number enrolled in such programs the previous year.

History of Native education

The aboriginal peoples had their own system of education long before the first European arrived.

Aboriginal education was practical, begun almost at birth and continued throughout life, and it emphasized the transmitting of traditions and values.

From the time Europeans first began to play a major role in education here, aboriginal children followed European systems and concepts of education; schooling was in either French or English, although there was some instruction in Native languages. After Confederation, the British North America Act, 1867 (now the Constitution Act, 1867) gave the federal government jurisdiction over "Indians and lands reserved for Indians." The federal government initially carried out its responsibility for aboriginal education mainly through residential schools.

Residential schools

Most of these schools were operated by the churches, with financial support from the government. Schools were located in or near reserves with sufficient aboriginal populations, or in central locations for students from remote and small First Nations communities. As a matter of conscious government policy, these residential schools were completely segregated from regular schools and from the aboriginal communities, if not physically, then culturally and emotionally. Some continued to operate well into the 1960s.

A number of aboriginal people who made presentations to the Commission spoke of painful experiences and the influence the residential schools have had on their lives and on the lives of their parents. They talked about a particularly far-reaching impact of the residential school - the way it destroyed the relationship between parents and children and denied aboriginal culture and language.

Integration

In about 1950, the federal government, responding to widespread criticism from aboriginal people, made a major policy shift away from segregation toward a policy of integration of aboriginal children into the regular provincial school systems. By 1970, more than half of Canada's aboriginal children attended provincial and territorial schools, and by 1979 that had risen to two-thirds.

Even as that was happening, however, another tendency emerged. In 1969, at the height of the integration initiative, the federal government produced a White Paper proposing that Indian education be completely integrated into the provincial and territorial systems. The reaction of aboriginal people was vehemently negative. They did not see total integration as a desirable goal for educating their children and could not fathom how the specific needs of aboriginal students could possibly be met in an integrated provincial system. This Commission was told that while integration might have been an improvement over the previous policy of total segregation, many aboriginal people saw it as another way of denying the worth of their people and their cultures.

Self-government

In 1972, Native leadership published a response to the White Paper, titled "Indian Control of Indian Education." In it they outlined two goals for the education of aboriginal children: to reinforce their aboriginal identity, and to provide them with the education and training necessary to earn a good living in modern society.

They felt that to make this happen, parental responsibility and local control of education would be

essential. Within two months, the federal government accepted the paper as the basis for its new policy on aboriginal education, and it embarked on a process of turning over control of education to the First Nations' education authorities. This has not always gone smoothly, and in many places it has been much slower than the aboriginal community might have wished.

In the mid-1980s, recognizing that there were serious problems, the federal government funded a study conducted by aboriginal people under the leadership of the Assembly of First Nations. The result was a four-volume report, *Tradition and Education: Towards a Vision of Our Future*, which was published in 1988, and, at the request of the federal government, reviewed by James MacPherson, dean of Osgoode Hall Law School. MacPherson not only reviewed the most recent report, he also looked at some earlier events, and he identified a number of causes for the slow implementation of the 1972 federal initiative:

- 1) *There is no definition of, or agreement about, the notion of "control";*
- 2) *Indian control so far has often meant nothing more than Indian management (or worse, mere participation in management) of federal programs and policies;*
- 3) *Greater Indian control of education will not lead to better education for Indian children if no provision is made for enhanced support systems and more funding to facilitate the transition;*
- 4) *Greater Indian control of education will not achieve the goal of reinforcing the Indian identity of Indian children if Indian-controlled schools simply mirror the curriculum, programs and policies of provincial schools because of a lack of support and funding necessary for promoting the programs which would encourage Indian distinctiveness;*
- 5) *Experience has shown that equating Indian control with local control is not appropriate in all facets of Indian education.*(33)

While *Tradition and Education* clearly builds on the 1972 paper "Indian Control of Indian Education," prepared by the National Indian Brotherhood, there are some very important differences. First, while the major principle of the 1972 paper is "control," in *Tradition and Education* the emphasis is on "self-government." In the words of the paper:

Children are the most precious resource of the First Nations. They are the link to the past generations, the enjoyment of the present generations, and the hope for the future. First Nations intend to prepare their children to carry on their cultures and government. Because education shapes the minds and values of First Nations' young people, it is vitally important that First Nations governments have jurisdiction over the education programs which have such a lasting impact.(34)

"Jurisdiction" goes well beyond "control." In subsequent pages, *Tradition and Education* defines "jurisdiction" as "the rights of each sovereign First Nation to exercise its authority, develop its policies, laws, and control financial and other resources for the education of its citizens."(35)

The words "each sovereign nation" clearly indicate that the authors of the report do not see education to be governed by one central national policy for all First Nations. Rather, self-government is to be local and community based, an important concept for understanding the work that has taken place in Ontario in recent years.

The report also calls for the federal government to recognize the "inherent" aboriginal right to self-government in the Canadian Constitution. This view of inherent right is based on the fact that First

Nations were self-governing nations long before Canada came into being as a nation.

The Province of Ontario publicly recognized this right several years ago, and in January 1994 the federal government announced it was prepared to act on its commitment to respect the inherent right of self-government.

Declaration of political intent (DPI)

Ontario arrived at the recognition of the right of self-government in two stages. In December 1985, the Province of Ontario, certain Political Territorial Organizations (PTOs) of First Nations, and the Government of Canada signed a Declaration of Political Intent to establish a forum for tripartite negotiations to resolve issues relating to First Nations' self-government in Ontario. A committee for education was set up and discussions began on aboriginal jurisdiction over education on reserves or Crown lands.

Early discussions identified a number of important areas. As a result, working groups were set up to develop handbooks to assist First Nations and school boards in negotiating tuition agreements (these are purchase-of-service agreements previously negotiated by the federal government on behalf of the First Nations) to deal with the issue of Native representation on school boards and to develop First Nations education legislation.

Currently, Ontario is trying to focus negotiations so that self-government agreements can be in place by March 1996. In addition, the province agreed to include discussions on aboriginal jurisdiction in post-secondary education in the Declaration of Political Intent process, and said that when self-government agreements are finalized, it will consider including early childhood education in the negotiations.

Over time, the declaration process funded seven pilot projects that support different aspects of self-government. As James MacPherson said, one major problem with Native education was the lack of support services available for curriculum development, teacher professional development, counselling, and other support services for students in on-reserve schools; therefore, several of the projects focus on those areas.

Another project is the development of a local community-based First Nations Education Act, and still another is seeking to promote understanding of and a model for the self-government of education in the territory of the Nishnawbe-Aski Nation, which consists of many First Nations mostly scattered in isolated communities throughout northern Ontario. The intent is that these projects should result in the development of a number of practical models for achieving and supporting self-government in education by aboriginal people in ways appropriate to their particular areas and needs.

Statement of political relationship (SPR)

The second step in recognizing First Nations' rights to self-government was taken on 6 August 1991, when the Government of Ontario and representatives of First Nations of Ontario signed the Statement of Political Relationship. In it, Ontario explicitly recognized the First Nations' "inherent" right to self-government within the constitutional framework of Canada and pledged to promote the exercise and implementation of this inherent right in Ontario. The fourth clause is particularly important to education; it says that nothing in the Statement of Political Relationship "shall be construed as determining Ontario's

jurisdiction or as diminishing Canada's responsibilities towards First Nations."

What we heard

We made a special effort to hear from Native people themselves. We established an Aboriginal Working Group with representatives of First Nations and Native service organizations; it met several times over the life of the Commission to help us clarify key issues and offer suggestions for solutions. Native organizations and individuals made formal written or oral submissions in such places as Thunder Bay, Kenora, Sioux Lookout, Sault Ste. Marie, Sudbury, Timmins, Moosonee, Moose Factory Island, London, Windsor, and Toronto.

In Sioux Lookout, we visited a secondary school and the Wahsa Distance Education centre, both operated by the Northern Nishnawbe Education Council. We held hearings in a number of schools that had a substantial number of Native students under tuition agreements; we visited the Walpole Island Reserve and made a special trip to Moosonee and Moose Factory Island to visit the schools, which have very high percentages of Native students.

Given the diversity of Ontario's aboriginal peoples, there was not always agreement on all issues, but there were a number of key concerns in common. We learned that like the Franco-Ontarian community, First Nations are very worried about the survival of their cultures and languages. They also feel that appropriately recognizing and teaching their languages and culture will help their children develop a better sense of identity and enable them to participate more productively in their own and in the broader Canadian society.

A sense of urgency and even desperation pervaded many requests for help in rescuing languages and cultures before it is too late.

Cultural values and traditions

Aboriginal people also point out that recognition and teaching of the culture and contribution of aboriginal people should not be limited to aboriginal students and teachers: all students and teachers must be more knowledgeable about and sensitive to Native culture and history. Not only will this help all schools become more hospitable places for aboriginal students, but it will ensure also that Ontario society as a whole has a better understanding of aboriginal peoples.

Native people feel that as long as we teach and believe that Canadian history began with the arrival of the first Europeans on its shores, and that the aboriginal people living here had no languages, cultures, or traditions worth preserving, neither Native nor non-Native students will respect aboriginal people as important members of their own nations or of Canadian society.

Aboriginal parents and educators also feel that their students will be more successful if teaching and evaluation methods used in schools are more sensitive to their cultures and learning styles. They are concerned that aboriginal students are being suspended and expelled out of all proportion to their numbers. They feel that teachers and other students do not understand the problems and expectations of Native students. They also worry about outright racism that sometimes reveals itself in a school's lack of willingness to work with aboriginal students and help them gain dignity and a more positive sense of themselves.

Support for students

Representatives of the First Nations communities are convinced of the value of education for their children, but schools by and large are still not comfortable places for aboriginal students; their drop-out rate is extremely high, especially in northern Ontario. Many find it difficult to make the transition to off-reserve schools, especially when, at age 14 or 15, they have to move hundreds of kilometres away from their communities to board with people who are usually strangers. There were many requests for more counselling and support services for Native students.

It was suggested that more student residences such as those at Pelican Falls Centre, the First Nation-operated secondary school outside Sioux Lookout, would help. Aboriginal students live together in these residences and, with the help of house parents (often themselves aboriginal), support each other. It is also easier to provide special programs and services to students when they are together in residences.

Teachers

More and more aboriginal students on reserves are being taught in schools operated by bands, councils of bands, or Native education authorities. First Nations communities were pleased with the introduction of destreaming and *The Common Curriculum* in Grade 9, which has made it easier for them to provide schooling for students in that initial secondary-level year, and delayed the need to send young teenagers off-reserve for their schooling. However, the added grade brings with it an increased need for already scarce aboriginal teachers, and teachers who understand aboriginal learners and who will commit themselves to First Nations communities for some time. Parents and leaders are concerned about the very high turnover of teachers in First Nations communities; they believe that if more teachers were members of those communities, they would remain and provide the continuity and understanding that are so important to any successful education program.

Shared decision-making

Although post-secondary education was not part of our mandate, representatives of First Nations communities frequently commented on the need for better post-secondary and training opportunities for their people. As part of their traditional view of education as a lifelong process, First Nations' aspirations for self-governance in education also encompass that part of the process.

Recently, Native people have made significant advances working together on plans to establish their own post-secondary institutions. We would expect that the provincial and federal levels of government would want to support such efforts and take them into consideration in their policies on funding and recognition of credentials.

Native people also identify a lack of constructive working relationships between their communities and schools and provincial school boards and teacher federations, as well as a lack of recognition by the Ministry of the authority of band councils and Native education authorities. They are asking for legislation that would permit more co-operative and reciprocal arrangements between provincial school boards and Native education authorities.

Aboriginal people feel that part of the problem may be that the Ministry designates band-operated secondary schools as private schools. At the moment, that is the only legislated mechanism available to the Ministry to allow it to inspect the school so that their principals can grant the Ontario Secondary School Diploma to graduating students.

Under the current legislation, Ontario school boards are allowed to enter into purchase agreements only with other Ontario school boards, not with private schools. Under legislation and policies related to private schools, the Ministry deals directly with the principals of those institutions; in the case of the band-operated private schools, this means that it bypasses the Native Education Authority.

But as aboriginal educators point out, their schools are not privately funded; they receive public money from the federal government and from bands. They are, therefore, also subject to public scrutiny from two levels of government.

Native people believe that band-operated secondary schools should be designated something other than private schools; this would allow the government to amend legislation to permit co-operative and reciprocal arrangements between aboriginal and other publicly funded schools in Ontario, without reference to private schools. They also want the legislation to properly recognize the role of the Native Education Authority in governing their schools.

In general, aboriginal parents also want to have more input into the schools their children attend. Some Native people feel this might be achieved by having more Native trustees on provincial school boards, or by being able to vote in school board elections, and others are looking for more direct involvement with their local school. Still others are more concerned about achieving full self-government and controlling their own education system from early childhood to post-secondary and adult education and training.

Issues and recommendations

Federal-provincial co-operation

While our mandate did not include education of aboriginal children on reserves, the educational experiences of students on and off reserves overlap a good deal, especially when students on reserves receive part of their education (usually elementary) on reserves, and part (usually secondary) in schools operated by provincial school boards.

Given the role of the federal government in aboriginal education, our recommendations for improving education for Ontario's Native children necessarily include some directed to the federal government. We see no reason why we should not remind the federal government of its obligations so that aboriginal students get excellent elementary and secondary education, regardless of where they receive it.

We have also directed some recommendations jointly to both levels of government; this is in order to promote co-operation rather than duplication of efforts. With more than half of Ontario's aboriginal students living off-reserve or attending schools under provincial jurisdiction off-reserve, this is an opportunity for greater co-operation between the federal and provincial governments.

Recommendations 123, 124

*We recommend that rather than having the two levels of government work independently of each other, and in order to avoid duplication, the Government of Canada and the Government of Ontario jointly fund, for use in both on-reserve schools and schools under provincial jurisdiction, the development of curriculum guidelines and resource materials that more accurately reflect the history of Canada's aboriginal people and their contribution to Canada's literature, culture, history, and values, and in other areas to be incorporated throughout the curriculum.

*We recommend the development of assessment and teaching strategies that are more sensitive to the

learning styles identified by aboriginal educators.

We also suggest that the federal government work with First Nations communities on reserves to provide additional support for students who have to live away from home in order to receive their elementary or secondary education.

We hesitate to recommend specific models or a great increase in off-reserve accommodation for students when, in future, more of their communities may well be able to provide better educational opportunities for them on-reserve.

Recommendation 125

*We recommend that the federal and provincial governments work with Native education authorities and the First Nations to provide better support to students who must live away from their communities to obtain elementary and/or secondary education.

Funding

One of the complaints we heard frequently is that the variety of services to support students and teachers that are available in the province's publicly funded schools are not readily available in on-reserve schools. Aboriginal educators told us that the federal funding formula for on-reserve education does not recognize the additional expenditures for support services to the same extent as the provincial funding formula does.

When provincial school boards calculate charges to the Native education authority, First Nation, or federal government for the students educated in their schools, they use the provincial formula, which includes provision for support services. The Native education authority, First Nation, or the federal government may negotiate such additional services for aboriginal students as Native counsellors or an animator for Native culture in the school, which will increase the cost of the tuition agreement.

We were told that the federal government usually provides the full amount to the Native education authority to cover the cost of the tuition agreement, and that this amount is often higher than what it would give the authority if the students were educated on-reserve. It would therefore appear that less money is provided for on-reserve than for off-reserve education, and as a result the learning experiences for children in on-reserve schools are less effective than they could be.

Recommendation 126

*We recommend that the federal government review its method of funding education for Native students in on-reserve schools to ensure there are adequate funds to provide any necessary special programs to support aboriginal education and for professional support of teachers.

Teacher education

Clearly, it is the responsibility of the province to ensure that teachers in Ontario's publicly funded schools receive the training they need to gain a better understanding of aboriginal students; to implement new curriculum, assessment, and teaching strategies; and to adapt existing programs. In the past few years, the province has funded a number of community-based demonstration pilot projects that address some of these needs. Such projects could offer useful models and strategies that should be shared with teachers

and education administrators, and that should help the province in implementing our following recommendation.

Recommendation 127

**We recommend that the province include in its requirements for pre-service and in-service teacher education a component related to teaching aboriginal students and teaching about aboriginal issues to both Native and non-Native students.*

Programs

There is another group of program-related concerns that First Nations communities share with other small schools and boards. They often find that limited resources restrict their ability to offer a full range of programs to their students; this problem is particularly acute at the secondary school level. Frequently, there are not enough students in any one school to warrant setting up a class in a particular subject; even when there are sufficient students, there may not be enough teachers available for highly specialized subjects.

With its Wahsa Distance Education School, the Northern Nishnawbe Education Council in Sioux Lookout has made a good start at addressing this problem; the program uses the Ministry's Independent Learning Centre materials as well as those specifically developed by the school. Teachers in a transmitting studio in Sioux Lookout connect with students in various remote communities via radio, telephone, and computer.

In many ways, the program works well and has significantly expanded available education opportunities not only to learners of compulsory school age but to adult learners. A number of learners who might otherwise not have been able to do so have earned their Ontario Secondary School Diplomas through the Wahsa program.

However, transmission problems are frequent. Furthermore, learning only through textbook and audio contact requires a lot of self-discipline by students, and it is not the most exciting way to learn. To overcome these drawbacks, at least to some extent, each community has an education co-ordinator to encourage and assist learners. Nonetheless, the program has its limitations.

A way to improve this kind of learning has been part of one of the previously mentioned community-based demonstration pilot projects: a technological studies course (that uses video) on small-motor theory, maintenance, and repair. The course was jointly developed by the Northern Nishnawbe Education Council, the Wahsa Distance Education Centre, the Northern District School Area Board, WaWaTay Native Communications Society, TVOntario, and the Ministry's Independent Learning Centre. The visual dimension helps students to understand the content of the course and to relate to a person they can see as well as hear on screen.

While it does not have the quality of interactivity that the live audio programs from Wahsa offer, the technology to do that is already in limited use in Canada. Even though current cable wiring does not support interactive video, there is technology that, when in wide use, will.

The use of CD-ROMs on computers will also increase the range of good learning opportunities available to students; this technology can also be greatly enhanced by computer networking, but here, too, there are barriers to its use in northern Ontario.

Recommendation 128

*We recommend that the federal government, which has responsibility in this field, give top priority to ensuring the availability of good telecommunications throughout Ontario in order to support education through the use of interactive video and computer networking.

Video would not only help make more courses available to senior secondary students throughout Ontario, including those in remote northern communities, but it could also be very useful in bringing together scarce resources to support the teaching of Native languages, especially those on the verge of extinction.

While developing most secondary school courses is clearly a provincial obligation, developing Native language courses that use videos and CD-ROMs, including story-telling and Native culture units, some of which could be incorporated into the common curriculum for all learners, would also fall within the responsibility of the federal government. Although fairly costly to develop, such courses might mean long-term savings and, in any event, would be well worth the investment.

Recommendation 129

*We recommend that both the federal and provincial governments provide resources to support the development of courses, initially video- and CD-ROM-based, that would use interactive technology when an adequate telecommunication infrastructure is in place.

Aboriginal languages

Members of aboriginal communities across Ontario expressed the need for more flexibility and assistance in teaching and using aboriginal languages in on-reserve and off-reserve schools. First Nations that operate their own schools do not really need provincial approval to introduce more Native language classes, and they can decide to have Native language immersion schools or classes. In fact, there are two immersion schools on the Six Nations Reserve near Brantford, as well as immersion classes in some of northern Ontario's Native communities.

However, the issue is more complex. Many aboriginal students are still being educated off-reserve in schools operated by provincial school boards. Native education authorities want to continue offering the Ontario Secondary School Diploma, which means they must adhere to related provincial legislation and guidelines. At this point, however, that does not give them the flexibility they want in the use of Native languages.

There are other complicating factors. In Ontario, there are 13 languages traditionally spoken by aboriginal people, belonging to two linguistic families: Algonkian and Iroquoian. Of the Algonkian languages, three - Ojibwe, Cree, and Ojibwe-Cree - are still spoken extensively across northern Ontario. In "You Took My Talk," a report of the federal Standing Committee on Aboriginal Issues, these three were identified as being healthy enough to survive. However, they are not equally well preserved in all areas of the province, and the report describes the other ten languages as being on the verge of extinction.⁽³⁶⁾

Because for the most part aboriginal languages have been transmitted orally, attempts are now being made to preserve them in written form, but much stronger efforts are needed while there is still time.

Aboriginal people do not have the necessary resources for this task. Since most of the Native languages are also spoken in other parts of Canada and the United States, the federal government also has a role to play in this area.

Recommendation 130

*We recommend that the federal government provide assistance to aboriginal peoples to develop language teaching resources co-operatively with communities that use the same languages, in other provinces and in the United States.

Just as, in the Mahe case, the Supreme Court of Canada identified the French language as an essential tool for maintaining and nurturing French-Canadian culture, so aboriginal people see the preservation of their languages as essential to preserving their cultures and identity. It is understandable then that Ontario's aboriginal people look to the schools to help some of the First Nations reclaim already threatened languages and to prevent current languages from becoming extinct.

This is the reason that a number of presenters asked us to recommend that Native languages be eligible for use as languages of instruction, rather than just being subjects. While there are some classes of this type available in schools run by First Nations Education Authorities, it will not be easy to expand these programs, because of the lack of teachers and resource materials.

However, there are areas of the province where resource materials for some subjects already exist, especially at the early-education and primary level.

Secondary school students might gain stronger language experience if, for example, the schools were permitted to use the Native language in such optional courses as Native studies and outdoor education. If schools could group these with a course in a Native language, they could provide a one-semester immersion experience.

There are other provinces and countries where Native languages are being used as languages of instruction. These programs can be used to guide Ontario in implementing the following recommendation.

Recommendation 131

*We recommend that the province, in co-operation with First Nations communities and school boards, develop guidelines for permitting the use of Native languages as languages of instruction, where teachers and teaching resources are available.

The province will have to continue and, if possible, increase efforts to train teachers of Native languages and Native studies. This is not simply a matter of making more places available at faculties of education, but also of assisting efforts to obtain qualified staff to teach such programs, and helping aboriginal students become qualified to enter them. There are successful programs at Lakehead, Nipissing, and Queen's universities. Where it is appropriate, the federal government should also support efforts to increase the number of teachers able to teach Native languages and Native studies.

The federal and provincial governments have helped fund various programs for development of teacher in-service and classroom materials that improve the teaching of Native languages and Native culture throughout Ontario. It is important that resources be widely shared by boards and band-operated schools across the province, to avoid duplication of effort and to make best use of scarce resources.

Recommendation 132

*We recommend that the provincial and federal governments continue their programs to develop resource materials that support the teaching of Native languages and culture for teacher in-service and for classroom use in on- and off-reserve schools, providing such materials are made available to other boards and schools.

Decision-making

Other concerns expressed to the Commission centred on Native people's input into the policies of schools that aboriginal students attend and that are under provincial jurisdiction. Some First Nation representatives suggested that this can best be done by appointing additional trustees to represent the concerns of aboriginal students, and by permitting aboriginal people on reserves to vote in school board elections.⁽³⁷⁾

There are other First Nations that do not see the need for additional trustee representation: rather than negotiating educational issues with a school board, they are more concerned about pursuing self-governance and negotiating educational issues on a government-to-government basis.

We believe that as long there are school boards, the interests of aboriginal students should probably be represented at that level in a more on-going way than is possible through the annual negotiation of tuition agreements. Such representation should be equal to the representation of electors of the board; however, some adjustments could be made where the number of aboriginal students is relatively small, even if that means a lower trustee-to-student ratio for aboriginal students than for other students.

Some agreements in this area were reached as part of the negotiation process for the Declaration of Political Intent mentioned, but the Ministry appears to be reluctant to implement these agreements, pending the publication of this report. We acknowledge that the DPI proposal may need to be revised, given our discussion on the number of school board trustees. (See Chapter 17.)

Recommendation 133

*We recommend that the Ministry and the representatives of the First Nations review the Declaration of Political Intent proposal on Native trustee representation, taking into account possible changes in overall board structures that could follow the issue of this report, and that at the earliest opportunity the parties implement the agreement that results.

We believe, however, that the really significant input into the education of the aboriginal learners can occur only at the local school level. As with other students, parental activity that makes a difference to the level of achievement of aboriginal children depends on good communication and interaction between the school and the parent. We feel, therefore, that the recommendations we make in the next chapter, concerning the interaction between teachers and parents, and between the school and its community, will have a more significant impact on the success of aboriginal learners than will any adjustments made at the board level.

The community alliances we identify as one of the four levers for education reform are as important for improving education for aboriginal learners as for any other learners in Ontario.

Self-government

We also support the wishes of Ontario's aboriginal people to govern their own education. We recognize that there are many ways in which the First Nations are now limited in their ability to set a course for their own education system. Ultimately, there is no reason why First Nations could not decide to have their own secondary school graduation diploma requirements. It may be that for practical reasons, they will choose to stay close to provincial requirements; but if self-government is to mean anything, Native peoples should be able to make that choice for themselves.

Recommendation 134

*We recommend that the federal and provincial governments continue negotiations that lead to full self-governance of education by the First Nations.

Recognition of band-operated schools

Band-operated schools should be permitted more flexibility to interact with other publicly funded schools in reciprocal arrangements, rather than under the one-way arrangement that is now the only possibility.

Recommendation 135

*We recommend that the province develop a different way of dealing with band-operated elementary and secondary schools than it now has. Such a method would:

- a) recognize that they are publicly funded schools of a First Nation, governed by a duly constituted education authority, and
- b) permit more reciprocity and co-operation with provincial school boards.

Conclusion

We believe that in addition to our recommendations for improving the learning experience of all Ontario learners, the issues we address in this chapter and the recommendations we make will, when implemented, ensure that the educational opportunities for Roman Catholic, Franco-Ontarian, and aboriginal children are more equitable than they are now. Not only do our recommendations address some specific program concerns, but they also focus on giving these communities a greater voice in the governance and management of the education of their children.

Endnotes (Chapter 15)

1. Robert Choquette, "L'école des franco-ontariens: Une retrospective historique" (Ottawa, 1991, mimeographed), p. 48.
2. Chad Gaffield, *Language, Schooling, and Cultural Conflict: The Origins of French-Language Controversy in Ontario* (Kingston: McGill-Queen's University Press, 1987), prologue.
3. Chad Gaffield, *Aux origines de l'identite franco-ontarienne: education, culture, economie* (Ottawa: University of Ottawa Press, 1993), p. 284.
4. The Council's mandate has remained more or less unchanged since 1980, except for the addition of the skills development component in 1993. The chairmanship is now a full-time position held by a

- well-known figure in the Franco-Ontarian education world, the sociologist Rolande Faucher.
5. This categorization provides little help when it comes to including "Canadian-born" francophones from other provinces, especially from Quebec, a province with a francophone majority and where the status of minority at the national level is viewed quite differently than in other Canadian provinces.
 6. Anne Gilbert and Andre Langlois, *Les realites franco-ontariennes: Les francophones tels qu'ils sont*, 3rd edition (Vanier, ON: Association canadienne-francaise de l'Ontario, 1994), p. 6-7.
 7. Political analysts who studied women in Scandinavian politics believe that a minority group constitutes a critical mass and can, subsequently, form a balance of power and influence the agenda of the majority when it consists of 30 to 33 percent of the total number of people in question. Among other works, refer to:
Drude Dahlerup, "From a Small to a Large Minority: Women in Scandinavian Politics," *Scandinavian Political Studies* 11, no. 4 (1988): 275-98.
In his own work on language minorities, sociologist Jacques Leclerc speaks of 20 percent as being a critical mass. See Leclerc, "Language and Society," *Mondia*, p. 171.
 8. Gilbert and Langlois, *Les realites franco-ontariennes*, p. 20.
 9. Gilbert and Langlois, *Les realites franco-ontariennes*, p. 20.
 10. Normand Frenette and Saeed Quazi, *Ontario Francophone and Post-secondary Accessibility* (Toronto: Ontario Ministry of Colleges and Universities, 1990).
 11. Gilbert and Langlois, *Les realites franco-ontariennes*, p. 50.
 12. For instance, there have been only two francophone deputy ministers in Ontario's history: Gerard Raymond and Donald Obonsawin.
 13. Stacy Churchill, Normand Frenette, and Saeed Quazi, *Education and Franco-Ontarian Needs: The Diagnosis of an Educational System (Highlights)* (Toronto: Conseil de l'education franco-ontarienne, 1986), p. 2. This two-volume report is a remarkable study of the Franco-Ontarian community and its educational needs.
 14. Federation des associations de parents francophones de l'Ontario, *À Priori* 6, no. 1 (1993).
 15. Section 23(3) of the Canadian Charter of Rights and Freedoms reads:
The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province
(a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and
(b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.
 16. Video-forum for francophone ethno-cultural minorities, Sponsored by RCOL, Chaired by M. Begin. Toronto and Ottawa, April 6, 1994.
 17. Denis Hache and Julie Boissonneault, Centre de Recherches en education du Nouvel-Ontario, brief to the Ontario Royal Commission on Learning, 1991, p. 1.
 18. Ontario, Ministry of Education, *Report of the French-language Education Governance Advisory Group* (Toronto, 1991), p. 5-6.

19. See in particular a report presented to the Commission entitled "Aperçu de la problématique des Comités consultatifs de langue française dans les conseils scolaires de la province," a survey of the problems of French-language advisory committees in the province's school boards (Ottawa: Association française des conseils scolaires de l'Ontario, 1993, p. 15).
20. Hache and Boissonneault, brief, p. 9.
21. Conseil de l'éducation catholique pour les francophones de l'Ontario, brief to the Ontario Royal Commission on Learning, 1993, p. 7.
22. Ontario, Office of the Provincial Auditor, *1993 Annual Report: Accounting, Accountability, Value for Money* (Toronto, 1994), p. 71.
23. R. Bisson and G. Gratton, "étude de faisabilité: La gestion dans le cadre de l'Article 23," p. 4. Prepared for the French-language section of the Simcoe County Roman Catholic Separate Board, and presented to Ontario Royal Commission on Learning, 1993.
24. See, as an example, the study entitled, "Consortium des conseils du Nord," prepared by J. Raymond Chenier and others for five school boards, Timmins, 1994.
25. One of the most recent is the work of four francophone directors of education and has since been adopted by all of the province's francophone directors of education, although the document is only at the first-draft stage. Andre Lalonde, Roger Brule, Paul St-Cyr, and Pierre Marcil for the Forum of Directors of Education, French Section, Toronto, 1994.
26. Donald Dennie and Simon Laflamme, research report presented to the Ontario Royal Commission on Learning, 1994, p. 5.
27. Federation des jeunes Canadiens-français, *L'avenir devant nous: La jeunesse, le problème de l'assimilation et le développement des communautés canadiennes-françaises*, vol. 4 (Ottawa, 1990), p. 143.
28. *Mahé et al. v. Province of Alberta* (1990), 68 D.L.R. (4th) 82.
29. *Ford v. Quebec (Solicitor General)* (1988), 54 D.L.R. (4th) 604.
30. *Mahé v. Alberta*, p. 83.
31. Quoted in *La Vision: L'école française en Ontario pour l'actualisation de la culture* (Ottawa: Association française des conseils scolaires de l'Ontario, 1991), p. 16, and quoted in Ontario, Ministry of Education, *Report of the French-language Education Governance Advisory Group*, p. 4.
32. It is difficult to get completely accurate statistical information on aboriginal populations. Statistics Canada data do not include those who live on reserves and refuse to be enumerated, or those who resided in institutions at the time of the census. Data from the Indian Registration Program, Indian and Northern Affairs Canada (INAC), tend to be more accurate as far as aboriginal people living on reserves is concerned. Data given here on the general population comes from the 1991 Canadian census, while the information on First Nations and bands comes from INAC 1991 data.
33. Canada, Department of Indian Affairs and Northern Development, *MacPherson Report on Tradition and Education: Towards a Vision of Our Future* (Ottawa, 1991), p. 3.
34. Assembly of First Nations, *Tradition and Education*, vol. 1 (1988), p. 1, as quoted in Macpherson Report, p. 4.
35. Assembly of First Nations, *Tradition and Education*, p. 82.

36. Canada, *Standing Committee on Aboriginal Affairs*, "You Took My Talk": Aboriginal Literacy and Empowerment: Fourth Report (Ottawa, 1990).
37. Under current legislation, where aboriginal students taught under tuition agreements number 100 or more, or make up 10 percent or more of the total enrolment in a school board's jurisdiction, the board must appoint a Native trustee named by the council of the band or bands. A second trustee must be appointed if the number is more than 25 percent of the total enrolment of the board's jurisdiction. If the number is fewer than 100 (or 10 percent of the total enrolment), then the appointment is at the discretion of the board. This is the main area of contention. Another problem arises when there are several bands involved who each want their own trustee to represent them. Except for the lack of representation when there are fewer than 100 aboriginal students enrolled, and a few situations where the majority of students enrolled are Native, the proportion of Native trustees on school boards in Ontario tends to reflect fairly closely the proportion of aboriginal students enrolled in the board.

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