

**Tracing the Colonial Dimensions of ‘Special Education’: History, Disability, and Settler
Colonialism**

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Abstract

This thesis proposes that there are intersections between settler colonialism, disability, and education, that can help to clarify how and why national recognition of violence against Indigenous communities is a central project of the nation-state. For this reason, the exacerbating impacts of ableism and (settler) colonialism are studied for their impact on schooling and education in Canada. Using Critical Discourse Analysis as a method of inquiry, the Ontario First Nations Special Education Review Report is analyzed for its relation to history, pedagogy, and colonialism. The report is useful to investigation of the connection between current and historical conceptualizations of disability and the history/present of settler colonialism within the Canadian nation-state. The thesis is framed through the understanding that ableism and colonialism, as they appear in "special education", are intertwined forces which are often founded upon white supremacy and framed through Eurocentric discourse. As such, this thesis engages the fields of Critical Disability Studies, Settler Colonialism, Indigenous Studies, and Education, to describe how special education is informed by colonial constructs of schooling. Conclusions drawn through applying these theories to a reading of the Ontario First Nations Special Education Review Report suggested that there is an apprehension to adopt disability discourse because of the history of colonialism and the ongoing presence of Debility. As well, there is an immediate need to address the systemic issues regarding funding, resource access, and self-determination because of the historical and continued injustices that occur within First Nations education.

Keywords: Critical Discourse Analysis, First Nations, Critical Disability Studies, Settler Colonialism, Debility, Special Education.

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Tracing the Colonial Dimension of ‘Special Education’: History, Disability, and Settler Colonialism

In the aftermath of the public “awakening” (CTVNews, 2021) which took place over the spring and summer of 2021 with the discovery of numerous ‘mass graves’ on the grounds of former Indian Residential schools across Turtle Island (also known as North America), some have finally and belatedly begun to ask how such an atrocity happened. Relatedly, questions and recognition of the violence enacted on children have been raised across the country and this shows that the awakening has only just begun (Honderich, 2021). Throughout the history of the Canadian nation-state, Indigenous¹ peoples have been denigrated, lost access to land, and many, ‘disappeared’ by the settler-colonial project that is continuing to take place on Turtle Island (TRC, 2015a). It is unfortunate that news of graves at residential schools must occur to draw attention to the atrocities Indigenous people have faced, though it is undoubtedly a powerful tool for counteracting the ever-so-prevalent ignorance which persists in Canadian society (Godlewska et al, 2020; Markusoff, 2022).

¹ Throughout this report, I will use the term ‘Indigenous’ to describe the three recognized Indigenous groups in Canada: the First Nations (formerly dubbed ‘Indians’), Inuit, and Metis people. In doing this, I draw upon the United Nations (2013) working definition which states that Indigenous people are the “descendants of populations which inhabited a country or geographical region during its conquest or colonization or the establishment of present state boundaries and retain some or all of their own social, economic, cultural and political institutions” (p.7). Despite the valid critiques and “opposition by various tribal groups and ‘first nations’ peoples to the terms ‘Indigenous’” (Peters & Mika, 2017, p. 1229) and other similar collective nouns because of its potential to essentializing the individual identity of nations and bands, I believe the term Indigenous is necessary for my analysis. Particularly, as through using this term, I will be able to discuss the shared (though undoubtedly still different) experiences associated being an Indigenous person within a settler-colonial society (Kauanui, 2016; Veracini, 2014; Wolfe, 2006). On the other hand, when describing the specific factors which impact First Nations because of their unique political status that is produced through the Indian Act, I will specifically use the term First Nations (Gadacz, 2006).

The coverage of unmarked graves, though fleeting and not enough, has placed some political pressure upon the federal government of Canada to take actual, instead of symbolic, action. Such as in the case of the unveiling of the “\$40-billion agreement in principle to provide compensation to First Nations children and their families harmed by an underfunded child welfare system” (Turnbull, 2022, p.1) in late 2021. This was initially brought to the table by the legal battles regarding Jordan’s Principle (which will be discussed more thoroughly below) waged by Cindy Blackstock and the First Nations Child & Family Caring Society, though ultimately only came to fruition because “those 215 and 715 little spirits buried in the grounds of the Kamloops and Marieval residential schools came to ensure the work gets done” (Blackstock, 2021, p. 1).

This thesis suggests that the slow recognition of these violent acts by the Canadian nation-state is not enough. I propose that there are intersections between settler colonialism, disability, and education, that can help to clarify how and why national recognition of violence against Indigenous communities is a central project of the nation-state. For this reason, the exacerbating impacts of ableism and (settler) colonialism are studied for their impact on schooling and education in Canada (Hutcheon & Lashewicz, 2019; Philips, 2010). There is an emerging and important field of study that brings together disability, indigeneity, and settler-colonialism, to address the historical presence of genocide (Hutcheon & Lashewicz, 2019; Ineese-Nash, 2020; Jaffee, 2016; Jaffee & John, 2018; Meekosha, 2011; Meekosha & Shuttleworth, 2009). While the study of disability and the study of nation-building have often been conducted separately, there is a need to consider how settler colonialism and white supremacy have played a profound role in defining disability and its experience (Miles et al, 2017; Yee & Butler, 2020).

As such, this thesis engages the fields of Critical Disability Studies, Settler Colonialism, Indigenous Studies, and Education, to describe how special education is informed by colonial constructs of schooling. Special education is broadly defined as “the process by which students with special needs receive education via the process of addressing their differences while integrating them as much as possible in the typical educational environment of their peers” (Ojeda & Carugno, 2021, para 1). Through this critique, I propose that the measures, containments, and definitions of disability found in special education do not sufficiently account for the lived experiences of Indigenous people within the Canadian nation-state. And for that reason, cannot adequately meet the needs of Indigenous, specifically First Nations, students who experience disability (Yee & Butler, 2020).

Purpose

The purpose of this investigation is to connect current and historical conceptualizations of disability and the history of colonialism (and the present state) within Canada. To do so, I rely heavily upon the valuable information regarding Canada’s colonial history found in the various documents provided by the Truth and Reconciliation Commission (2015b; 2015a; 2015c; 2015d). I also draw on Puar’s (2017) concept of Debility to investigate how the forces of settler colonialism exacerbate the stigmatizing impacts associated with experiences of disability. In a sense, these forces can operate to bar Disabled² Indigenous people from accessing the liberal

² In addition to utilizing the term Indigenous to describe First Nations, Inuit, and Metis people, I will also be using the terms ‘Disabled’ and ‘experience disability’ to describe the sociopolitical identity of being ‘Disabled’ and the series of biological and social factors which are associated with what we as a society define as a disability (Hughes, 2007; Underwood et al, 2015). Though these terms both describe the same group of people, they have distinct differences and I utilize them both to be able to address how some individuals may be enabled to identify as a Disabled person while others may (voluntarily or not) not (Puar, 2017; Titchkosky, 2001)

identity of ‘Disabled’ through pathologizing their cultural identity as ‘unacceptable’ or ‘irredeemable’ disabilities/bodies. As well, I will discuss how mainstream disability discourse, particularly regarding special education and associated programs/inventions, has been weaponized as overt tools of settler colonialism.

Regarding the general scope of the investigation, the inquiry aims to examine the impact of settler-colonial ideals on the historical and contemporary production of knowledge surrounding schooling and disability. In doing so, the study primarily focuses on understanding how special education impacts the experiences of Indigenous people and Indigenous people who experience disability in a North American context. This, however, does not prevent transnational and global applications. Particularly, this study utilizes knowledge about the global impact of settler colonialism and draws upon theories that emerged from the colonial relations of Palestine and Israel, as well as Australia and the Aboriginal and Torres Strait Islander peoples. In addition to this, the scope of the study includes an investigation into Disability Studies discourse; how and where their various models emerged; and the unfortunate inability to adequately consider Disabled Indigenous people in their theorization. My approach is intended to frame Disability Studies as a colonial production, which if not addressed, will continue to hinder the potential for what Crip theorists call “Disability Justice” (McRuer, 2018; Mingus, 2011; Piepzna-Samarasinha, 2018; Sins Invalid, 2015). Overall, the study’s scope is quite broad, though this is necessary to allow for the level of methodological flexibility, cross-cultural comparisons, and philosophical inquiry that is needed for this investigation.

Scope

Despite the broad scope and potential limitations of this Master’s thesis, this investigation is quite important and deviates from much of traditional Disability Studies research. Past

Disability Studies research has largely been focused on the perspectives and ontologies of those who are white, male, and physically disabled (Meekosha, 2011). Though there have been massive strides in the previous decades, only recently has a larger body of literature emerged which discusses disability, Indigeneity, and/or settler colonialism in tandem (Anesi, 2021; Chapman, 2012; Hutcheon & Lashewicz, 2019; Ineese-Nash, 2020; Jaffee, 2016; Jaffee & John, 2018; Lovern, 2021; Meekosha, 2011; Soldatic et al, 2017; Soldatic, 2015; Stuckey, 2021; Woman-Healy & Rabbit, 2021). This significant gap in literature has been counterintuitive to the overall emancipatory goal of Disability Studies. As the lack of acknowledgement of its foundation in white supremacy and settler-colonial thought leads Disability Studies to be simply another tool to be used to advance the Logic of Elimination (Wolfe, 2006) and instill Anti-Indian sentiment (Cook-Lynn, 2001). Keeping this in mind, I will draw upon the words of the *Truth and Reconciliation Commission’s Final Report* (TRC, 2015a) to cement the importance of my inquiry: “all Canadians have a critical role to play in advancing reconciliation in ways that honour and revitalize the nation-to-nation Treaty relationship” (p. 190). Thus, this study will play a small part in an ongoing effort of achieving reconciliation with Turtle Island’s Indigenous population, as well as contribute to the scholarly effort of decolonizing Disability Studies.

Research Questions

This thesis poses and responds to two primary research questions. The first is: how has Canada’s settler-colonial society conceptualized disability and ‘Disabled’ Indigenous identities? The second is: how has settler colonialism exacerbated negative and stigmatizing notions of disability? While these questions are large, I apply them to a consideration of special education in order to tease out some specificity and clarify examples. These questions provide a pathway to lead into inquiries and provide language with which to consider how the medical and social

models of disability have failed to acknowledge the lived realities of Indigenous individuals who experience disability. These are important critical questions to raise when considering how the production of knowledge in settler-colonial societies and institutions imposes itself upon Indigenous individuals. This is particularly important as even when this knowledge is intended to be emancipatory and critical in nature, such as in the case of that which is produced within the field of Disability Studies, if Indigenous voices and epistemologies are not integrated, it will continue to function as “ideological tools of colonial dispossession” (Persad, 2017; p.3).

Positionality And Ethical Intentions

As both a settler and nondisabled individual, I do not personally live the realities of being Indigenous and/or 'Disabled.' Due to this, I cannot approach this inquiry from an 'insider' perspective; nor would it be ethical or appropriate for me to place my investigation on equal ground with that of an Indigenous and/or 'Disabled' scholar. My positionality thus warrants particular ethical considerations that must be included in each aspect of the work. Primarily because of the prevalence of objectification of both Indigenous and Disabled people in previous research published 'about them' (in contrast to research 'with them') by white, nondisabled, male researchers like myself (Harding & Watson, 2013; Russell-Mundine, 2012).

Acknowledging this and the limitations attached, scholars and activists such as the late anthropologist Patrick Wolfe (2006) have still been able to make significant contributions to critical fields of study by examining the oppressive/privileging structures in which they exist and potentially benefit from (in his case the Australian settler society). My intention is to follow the path of the various settler and nondisabled researchers like him who have utilized their own ontological and epistemological perspectives to assist in the dismantlement of systemic, institutional forces of ableism, racism, and colonialism.

With that said though, it must be acknowledged that previous well-intended efforts from white, settler researchers within the field of Settler Colonialism have been scrutinized for their valorization of settler subjectivity and aversion to recognizing their role in the ongoing violence inflicted upon Indigenous people and people of colour (King, 2019; Goldblatt, 2020). Tiffany King’s (2019) recent book *Black Shoals: Offshore Formations of Black and Native Studies* is one example of literature which problematizes the white-dominated field of Settler Colonialism and troubles its claims regarding its emancipatory intentions. Within, she proposes the concept of the conquistador-settler, which is done to better account for how “conquistador forms of discourse, like colonial and settler colonial studies, attempt to mediate discussions between Black and Native peoples, Black studies, and Native studies” (p. xiii). As well as the way conquistador-settlers establish “the violent terms of contemporary social relations... through the nation-state, press, academic discourse, and even leftist politics” (p. xi-xii).

My aim is to not replicate the mediation and valorization King (2019) discusses and to achieve this, I know the Critical Discourse Analysis Approach (CDA) I am applying is highly beneficial. CDA is a methodology which is transdisciplinary in nature, discourse-focused, non-invasive, and geared toward investigating important societal issues (Fairclough, 2013; Huckin, 2002; Mullet, 2018; Rogers, 2008). The presence of transdisciplinarity and the focus on discourse will undoubtedly be advantageous to prevent the valorization of my settler subjectivity. As defined by Mitchell & Moore (2018), transdisciplinary research is inquiry-driven (rather than discipline-driven); focused on the construction and organization of knowledge; and centers the integration of the ‘knower’ (the researcher/investigator) into the process of inquiry. These factors associated with transdisciplinarity align with the intentions of this project as reaching beyond disciplinary bounds, challenging common notions regarding the production of knowledge, and

emphasizing the importance of research subjectivity and reflexivity are necessary if I wish to adequately investigate my research questions. In addition to the general utility of adopting a transdisciplinary approach outlined within the three common strands mentioned, it will allow me to draw upon and draw together discourse from fields of study outside of Settler Colonialism, such as the adjacent Native American (or Indigenous) studies which share many of the same scholarly ambitions, though often is not adequately included. In a similar vein, the approach will also allow me to reach outside of the field of Settler Colonialism, the CDA approach also enables me to draw upon a variety of scholarly work, including that of Black, Indigenous, and scholars of colour such as Subini Annamma et al (2013), Elizabeth Cook-Lynn (2001), and Jasbir Puar (2017).

The most beneficial aspect of utilizing the CDA approach with consideration of my positionality and previous injustices by the white, male, nondisabled researchers who proceeded me is it will allow me to focus on the discourse which impacts Disabled and/or Indigenous people; rather than the communities themselves. It is not my wish to focus my research “on” Indigenous and/or ‘Disabled’ individuals or people *per se*. Instead, I am concentrating my inquiry and analysis on the negative historical and contemporary societal forces that subjugate them— as they are produced by the settler-colonial and ableist society that I exist and benefit from (Jaffee & John, 2018).

By stating my orientation to the project and highlighting the reflexive practices which have been employed throughout the development of this research project, I hope to make some of the intentions and limitations of my research clear. *The Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (TRC, 2015a) plainly states that “The time has arrived for all Canadians to move into an era of recognition and reconciliation” (p.198) and that

“All Canadians must make a firm and lasting commitment to reconciliation” (p. 317). In the wake of the TRC’s (2015a) revelations and recommendations, as well as the ongoing uncovering of graves at Residential Schools — it is becoming increasingly apparent that decolonization and reconciliation cannot occur unless all Canadians put forth significant effort (Ka’nehsio, 2021; Turnbull, 2021). In addition to this, the continued effort by the federal government of Canada to appeal rulings regarding the implementation of Jordan’s Principle demands recognition and action by Canada’s settler society.

Jordan’s Principle is a legal rule named in memory of Jordan River Anderson, a Cree child from Norway House Cree First Nation in Manitoba who tragically passed away because “the government of Canada refused to pay for Jordan’s in-home supports, arguing that health care was a provincial responsibility” (First Nations Child & Family Caring Society et al, 2021, p. 4). Jordan’s death was a catalyst which started a movement to ensure that “no other child was treated as Jordan had been” (p. 5) and “all First Nations children living in Canada can access the products, services and support they need, when they need them” (Canada, 2020, p.1). As such, Canada’s House of Commons unanimously adopted Jordan’s principle in late 2007 (Blackstock, 2012). Unfortunately, though the principle was adopted because of political pressure from advocates, it was not adequately implemented and First Nations children were still unable to secure support through Jordan’s Principle (Obomsawin, 2019). As a result of this, the First Nations Child & Family Caring Society and the Assembly of First Nations included Jordan’s principle in their 2007 human rights complaint which concluded with the Canadian Human Rights Tribunal ruling in their (First Nations Child & Caring Society and the Assembly of First Nations) favour in early 2016; nearly a decade after the initial complaint. Even with these legal victories though, the Canadian government still failed to adequately adhere to the principle;

ultimately, resulting in additional orders from the Canadian Human Rights Tribunal and a reignition of the legal battle (Blackstock, 2021; First Nations Child & Family Caring Society et al, 2021). As such, it is these ongoing battles and the need for action which has motivated me to take up this inquiry and investigate the aforementioned research questions through critically engaging with the Ontario First Nations Special Education Review Report (Garrow, 2017).

Ontario First Nations Special Education Review Report

To explore how special education is facilitated amongst First Nations communities and attempt to piece together how the settler-colonial nation-state of Canada conceptualizes Disabled Indigenous identities, I am conducting a Critical Discourse Analysis (CDA) of the Ontario First Nations Special Education Review Report (Garrow, 2017). As a result of a Human Rights complaint launched by the Mississaugas of the New Credit First Nation (MNCFN) in 2009 on the behalf of two boys who were denied adequate special education services at a provincially-ran school in Haldimand County, the Ontario First Nations Special Education Review Report (Garrow, 2017) emerged. This report was produced as a result of the initial complaint, synthesizes previous research/reports revolving around special/education for Indigenous students, and provides subsequent recommendations for improvement. As a result of the introduction of the report's numerous recommendations, the legal case at the Canadian Human Rights Tribunal has been put on hold to allow for an adequate period of implementation (Duric, 2017). Though in acknowledging this, the Ontario First Nations Special Education Review Report's implementation target dates specify the latest date of March 31st, 2019 (with many of the recommendations having much earlier implementation dates)—making the topic well past due for revisiting.

The First Nations Special Education Review Report was published in 2017 by a collaborative team of Indigenous community leaders/representatives; members of Indigenous and Northern Affairs and the Chiefs of Ontario; and various Indigenous educators and professionals. In many respects, this report rode the wake of a series of legal victories by the First Nations Child and Family Caring Society of Canada and Cindy Blackstock (2016), who worked (and continues to) to ensure Jordan’s Principle was adequately implemented after it was unanimously passed in the House of Commons in 2007 and reaffirmed by the Canadian Human Rights Tribunal ruling in 2016 (Whiteduck, 2021). Peter Garrow, a member of the Mohawks of Akwesasne First Nation and an advocate of Indigenous initiatives like Shannen’s Dream and Jordan’s Principle, chaired the review. This report's general aim was to contribute to the generalized (federally and provincially) goal of ending the chronic underfunding of First Nations communities, however, particular emphasis was placed upon the numerous educational inequalities impacting Indigenous youth who experience disability.

In addition to this, the report centers sovereignty within its recommendations while emphasizing the importance of approaching issues between Indigenous communities (particularly those governed under the Indian Act) and the Federal Government on a nation-to-nation basis. In doing so, it emphasizes Indigenous self-determination. As well it aligns itself with the goals outlined in the Truth and Reconciliation Commission’s calls to action (2015b) and harkens back to the previous nation-to-nation commitments made by the settler-colonial governments of Canada. Keeping these past commitments in mind, the report acknowledges that much of what it conveys has already been said before: “Nothing in this report is new. Many reports have identified these problems and challenges and have made similar recommendations” (Garrow, 2017, p. 1).

Twenty-seven recommendations are provided in the report, which can be broken down into eight categories. The categories are foundational principles (1-2); funding (3-10); provincial educational regulations (11-16); Special Education in northern and isolated First Nations (17-19); access to Special Education supports (20-21); early childhood education and programming (22-24); data collection and reports (25-26); and an implementation timeline (27).

Recommendations one and two make up the foundational principles of the report. These recommendations focused on the importance of achieving self-determination for Indigenous people/communities, as well as improving educational outcomes for Indigenous students through securing adequate funding. Continuing the discussion of funding, recommendations three to ten provide suggestions that highlight the need for an overhaul and reconceptualization of the current funding model for Indigenous education. In addition to this, recommendations eleven to sixteen directed the discussion on funding towards the provincial educational regulations in Ontario. Particularly, their unwillingness to accommodate First Nations students attending provincial schools.

The report further addresses matters specific to northern and isolated First Nations communities within recommendations seventeen to nineteen. The listed recommendations discussed issues regarding infrastructure, institutional development, and the general need for increased access to funding and support. Connecting to the previous recommendation, access to Special Education supports, recommendations twenty to twenty-one focus on providing funding for First Nations community members to obtain qualifications to become support staff and specialists involved in the facilitation of Special Education. Recommendations twenty-two to twenty-four would enable more Indigenous community members to participate in training/education, as it focuses on early childhood programming. These recommendations

discuss increasing accessibility to early learning services within and outside of the classroom, as well as producing a First Nations-led working group to assess options regarding collaboration between government programs and First Nations communities. Finally, recommendations twenty-five to twenty-seven address the production of a new data collection system and a generalized implementation timeline.

Fundamentally, these recommendations address a wide breadth of issues impacting Special Education for First Nations students. Through examining the Ontario First Nations Special Education Review Report and its various areas of focus, my thesis animates the theories/concepts in my theoretical framework (below). As well, I will also elaborate on why communities and individuals may feel ambivalent about some of these recommendations, as they are critical contributions and yet, are still rooted in similar foundations of ableist, and colonial (or Eurocentric) thought.

Context

Within this section, I will be providing important contextual information that is needed to understand colonialism in the Canadian nation-state throughout history, Indigenous people’s experiences within colonial education, and how Indigenous education operates at the federal, provincial, and local levels. I will also provide information regarding the philosophical underpinnings of special education and who is responsible for its facilitation amongst First Nations. To do this, as I do throughout much of this document, I will be constantly drawing upon the Truth and Reconciliation Commission’s (TRC) documents. These include the: *Truth & reconciliation: Calls to action* (TRC, 2015b), *Honouring the truth, reconciling for the future: Summary of the final report of the Truth and Reconciliation Commission of Canada* (TRC, 2015a), *Canada’s Residential Schools: The History, Part 1, Origins to 1939: The Final Report of the Truth and Reconciliation Commission of Canada, Volume I* (TRC, 2015c), and *Canada’s Residential Schools: The Inuit and Northern Experience: The Final Report of the Truth and Reconciliation Commission of Canada* (TRC, 2015d).

Despite being extremely valuable for my inquiry because of the information they hold, the TRC’s documents are also relied upon because of the ethical implications associated with using them. By utilizing the TRC, I can first draw attention back to these important and foundational documents, which is important in itself. In conjunction with that, I am also able to advance some of the goals of the commission as outlined in their Calls to Action (TRC, 2015b). In particular, those associated with Child Welfare (calls of action one through four) and Education (calls of action six through twelve) (TRC, 2015b). Finally, though this is only effective if my reflexivity is maintained, using the TRC also enables me to distance myself further from the white, nondisabled, male researchers who proceeded me and relied upon

academic discourse produced by individuals who looked like them (i.e., other white and nondisabled men). Though the TRC in many respects appears similar to academic literature and is produced in partnership with the Canadian government, its reliance upon Indigenous voices, knowledge, and contributors differentiates it from other documents. With that said, using the TRC’s documents is all-around beneficial because of the valuable information they hold, their overall importance for understanding Canada’s colonial past (and present), their applicability to my research’s intention, and their potential to disrupt research practices which have been harmful to the Indigenous and Disabled communities.

History of Education for Indigenous People in Canada

Traditional education amongst the various Indigenous people residing on Turtle Island is engrained into cultural practices and plays an integral role in producing their ways of being and worldviews (Battiste, 2013; Benton-Banai, 2010; Basil, 2004; Kirkness & Barnhardt, 2001; Lafrance, 2000; Lambe, 2003; Neegan, 2005; Zapotichna, 2015). Borrowing the words of influential Cree scholar Verna Kirkness (1999) and the National Indian Brotherhood (1972; now known as the Assembly of First Nations), “It was an education in which the community was the classroom, its members were the teachers, and each adult was responsible to ensure that each child learned how to live a good life” (p.1). As such, Indigenous communities view education as purposeful in itself, culturally bound, spiritually informed, and geared towards equipping individuals to live a ‘good life’ (Battiste, 2019; Grande, 2004). This conflicts with European educational philosophy which views education as a means to an end, practically driven, skills-oriented, and separate from cultural practices (Foucault, 1984). Because of these distinctly different educational philosophies and the compounding ambitions of the colonial governments

that laid claim to Turtle Island, the history of Indigenous education within Canada has been one marked by exploitation, assimilation, and ‘disappearance’ (TRC, 2015a).

Upon examining the documents released by the Truth and Reconciliation Commission, it seems apparent that throughout the history (and pre-history) of the Canadian nation-state there have been four distinct phases regarding the colonial education of Indigenous people. (McCue, 2020a; TRC, 2015a; TRC, 2015c; White & Peters, 2009). The first took place during the establishment of the faith-based and evangelical mission schools which were run by various Christian orders and institutions, such as the Jesuits of New France (TRC, 2015c). Though not directly affiliated with the colonial governments of England and France, the Christianizing and ‘civilizing’ ambitions of these schools aligned closely with their assimilator and exterminatory goals. Therefore, as the colonial government of Canada began to emerge in the 19th century and settler communities became more well-established, the administration of these schools was transferred to the colonial dominion government and then the federal government. As this power shift took place, the federal government commissioned a series of inquiries into how to best deal with their “Indian problem” (TRC, 2015c, p. 289). Including the infamous Davin Report Commissioned in 1879, which was directed towards addressing the rapid need to expand west to unite Canada from coast-to-coast, the “failure of the buffalo hunt” (TRC, 2015a, p. 155) within the plains which was feared to lead to “a very serious charge indeed upon the government” (p. 155), and the desire to bring an end to the “separate Aboriginal identity and government” (p. 154-155). As a result of a combination of factors, including the findings of Davin’s report, the residential schooling system was established and subsequently ratified under the Indian Act—marking the second milestone within the troubled history of Indigenous education in Canada (TRC, 2015a; TRC, 2015c).

As highlighted in the TRC’s (2015c) *Canada’s Residential Schools: The History, Part 2 1939 to 2000*, during and after the conclusion of World War Two another shift in schooling for Indigenous people in Canada occurred. During wartime, attention was shifted towards funding the war effort and retaining soldiers to fill their ranks. This drew both attention and funds away from the Residential Schooling system, which was already severely underfunded and struggling with enrollment (TRC, 2015c). As the atrocities that took place in Europe drew public attention towards humanitarian issues, Indigenous people valorized themselves in combat, and the cracks in the residential schooling system became increasingly evident because of its failure to deliver the anticipated results (i.e. the destruction of the Indigenous identity and complete assimilation of the Indigenous population), the federal government and Indian Affairs (now known as Indigenous Services Canada) began a commitment to closing the system (TRC, 2015c; White & Peters, 2009). Though portrayed as a benevolent act, it truly was a result of a history of mismanagement, underfunding, and failure to “kill the Indian” (TRC, 2015c, p. 137). In an effort to shift their intentional goals of overt assimilation to a more ambiguous goal of ‘integration’, students who were destined for Residential Schools were instead redirected towards Indian Day Schools within their communities or outsourced to provincial schools through newly established tuition agreements under the amended 1951 Indian Act (TRC, 2015d; White & Peters, 2009). Though the residential schooling system persisted well into the 1990s, this shift in focus, particularly regarding funding and support, marks the third distinct phase in Canadian Indigenous education.

In 1969, Indian Affairs Minister Jean Chretien released the ‘White Paper’ (TRC, 2015d). This document was designed to “hasten the assimilation of First Nations people” (p. 11), through the disbandment of Indian Affairs and the dissolution of the Indian Act. Though again framed as

a benevolent act on the behalf of an ‘egalitarian’ government, the statement received substantial pushback and sparked a resurgence in Indigenous activism geared towards “Indian Control of Indian Education” (p. 11). Ultimately, this led to many Indigenous organizations producing position papers advocating for control of their education; the most significant of these position papers being the National Indian Brotherhood’s 1972 paper titled *Indian Control of Indian Education* (National Indian Brotherhood, 1972; White & Peters, 2009, p. 23).

Highlighted within the TRC’s (2015d) document on *Canada’s Residential Schools: The Inuit and Northern Experience*, the National Indian Brotherhood’s position paper advocated for Indigenous control and autonomy regarding the facilitation of their education (TRC, 2015d). In addition to this, the organization also advocated for commitments to previous treaties and agreements; as these services, support, and resources are deserved and necessary to enable First Nations’ control of education. Following the development of this position paper, the policy was subsequently adopted as an unofficial educational policy until the introduction of Bill C-33 (Canada, 2013), the First Nations Control of First Nations Education Act, in 2014. However, because of concerns from Indigenous advocates, the First Nations Control of First Nations Education Act did not pass and was instead tabled for the time being to allow for further collaboration with First Nations partners (Rae, 2014).

In saying this, though the final and current stage of Indigenous education in Canada can be mapped as beginning in the 1970s, it must be again noted that residential schooling and day schooling persisted into the 1990s (TRC, 2015d). As well, the federal schooling system is still in place, as Indigenous Services Canada (ISC) still oversees the management, facilitation, and curriculum development for seven schools across the country (Barrera, 2019). Six Nations of the

Grand River, the most populated reservation in Canada, has five of these seven schools, such as Emily C General Elementary School (Groat, 2020; Six Nations School District, 2022).

Who is Responsible for First Nations Education in Ontario?

Within the present moment, responsibilities for the facilitation, management, and funding of First Nations education in Ontario are distributed amongst individual First Nations, First Nations organizations, the federal government, and the Ontario provincial government. To begin, it is important to specify that students living on-reserve (within a First Nations community) are not entitled to the same education rights as students living off-reserve. They are not governed under the Ontario Education Act (Ontario, 2014), rather their education is dictated by the Indian Act (Branch, 2019) and is now guided by early inceptions of Bill C-33 (Canada, 2013; *First Nations Control of First Nations*). Therefore, a large majority of the fiscal responsibility associated with the education of First Nations people living off-reserve and other Indigenous people, such as those who are Metis or Inuk, is shifted onto the Ontario provincial government. While those First Nations governed under the Indian Act and residing on-reservation lands, such as the Mississaugas of the New Credit or Oneida Nation of the Thames, have much of their education dictated by the federal government of Canada.

Provincial responsibilities. Within the Ontario provincial education system, education for First Nations’ students falls under the initiatives labelled as Indigenous education (Ontario, 2021). Currently, the *Ontario First Nation, Metis, and Inuit Education Policy Framework* (Ontario, 2007) guides the provincial governments’ approach to educating Indigenous populations and collaborating with their organizations/governments. As shown on the policy framework’s website, the *Ontario First Nation, Metis, and Inuit Education Policy Framework* is geared towards addressing two primary challenges: improving achievement amongst Indigenous

students and closing the achievement gap between Indigenous and non-Indigenous students (Ontario, 2007). As well, the guiding principles of “Excellence and Accountability” (p. 8), “Equity and Respect for Diversity” (p. 8), “Inclusiveness, Cooperation, and Shared Responsibility” (p. 8); and “Respect for Constitutional and Treaty Rights” (p. 8) are central components of the framework that enable it to address the challenges it identified.

In 2014, the Ontario Ministry of Education introduced an implementation plan for achieving the goals highlighted above (Ontario & Ministry of Education, 2014). In addition to these goals, the implementation plan also focused on securing “increased participation of Indigenous parents in their children’s education” (Peopleforeducation, 2016, p. 1); increasing the educational opportunities associated with learning about Indigenous cultures, traditions, and perspectives; and integrating more Indigenous people into the teaching and non-teaching staff at schools. According to a report by Peopleforeducation (2016), the Ontario government has made some progress toward meeting its goals and aligning itself with the TRC’s (2015b) Calls to Action. Most prominently, the Ontario Ministry of Education has reported that it has provided 31% of elementary schools and 53% of secondary schools with professional development for staff regarding Indigenous education (Peopleforeducation, 2016). It has also been reported that 29% of elementary schools and 49% of secondary schools have hosted Indigenous guest speakers, while 13% of elementary schools and 38% of secondary schools have reported consulting with Indigenous community members to better accommodate their Indigenous students (Peopleforeducation, 2016). Though these numbers may seem insignificant and indicate there are substantial areas for improvement, they do mark steady improvement since the development of the *Ontario First Nation, Metis and Inuit Education Policy Framework* (Ontario, 2007).

In connection with the efforts highlighted in Peopleforeducation’s (2016) report, the Ontario Ministry of Education has also made several additional commitments/efforts to improve educational outcomes for their Indigenous students, such as developing the position of Indigenous education leads and implementing Indigenous Education Councils (IECs) in each school board. In addition to this, the Ministry of Education is collaborating with Indigenous Friendship Centers to develop alternative secondary schooling programs and signing various memorandums of understanding with several Indigenous groups/nations, such as with the Association of Iroquois and Allied Indians and the Metis Nation of Ontario (Ontario, 2021).

Finally, since the Ontario provincial government is responsible for the education of a vast majority (82%) of First Nations, Metis, and Inuit, the Ministry of Education has implemented several curriculum changes to respond to the TRC’s (2015b) Calls to Action 62 and 63 (Peopleforeducation, 2016). These call upon the provincial governments (in collaboration with the federal authorities) to implement and mandate an age-appropriate curriculum from kindergarten to grade twelve “on residential schools, Treaties, and Aboriginal peoples’ historical and contemporary contributions to Canada” (TRC, 2015b, p. 7). As well, they construct a curriculum which builds “student capacity for intercultural understanding, empathy, and mutual respect” (p.7).

In many respects, the Ontario Ministry of Education has put in a real effort to develop a curriculum that more adequately involves Indigenous histories and Indigenous concepts and meets the cultural needs of their Indigenous pupils. As well as produce policies which enable Indigenous organizations, communities, and families to be adequately involved in their children’s education. However, as noted in Milne’s (2017) study on the effectiveness of implementing Indigenous educational policy directives in Ontario provincial schools, there are

still glaring issues. For example, though teaching about Indigenous cultures and the legacy of residential schools is mandated within the curriculum, many non-Indigenous teachers feel ill-equipped, and many were not properly informed about what the Indigenous curriculum entailed (Hogg, 2008; Kanu, 2005; McGregor, 2017; Milne, 2017). Coupled with this, many of the professional development programs “raise awareness but [do] not necessary change classroom practices” (p. 7). Both of these hurdles have led to non-Indigenous teachers misappropriating Indigenous content, as well as caused immense frustration amongst Indigenous educators who feel tokenized. In the end, though Milne (2017) notes the beneficial intentions of the Ontario Ministry of Education’s Indigenous Education initiatives, they leave too much up to individual school boards and educators; as well as lack the necessary steps for meaningful integration into the wider curriculum.

Federal responsibilities. For those students living on reserve, the federal government of Canada has historically been solely responsible for managing, facilitating, and funding the education of First Nations students (TRC, 2015c; TRC, 2015d). As noted in the section on the history of Indigenous education in Canada, the federal government adopted an unofficial policy of *Indian Control of Indian Education* in 1973 (National Indian Brotherhood, 1972). From that point on, the federal policy for First Nations ‘in practice’ “has been one of ‘local control’ and ‘parental involvement’” (p. 6). However, in actuality, this has meant that the federal government has taken ‘local control’ “to mean First Nations administration of federal education programs and policies” (p. 7). Therefore, through the adoption of this unofficial policy, the federal government has freed itself of the responsibility of administering schools—whilst still maintaining a stranglehold over local political bodies and educational authorities through funding caps and policies.

Over the years and with the recommendation of numerous reports tasked with weeding out the issues within First Nations education, there have been instances of progress. The most notable and recent events being the introduction of Bill C-33: First Nations Control of First Nations Education Act in 2014, and the First Nations Education Transformation initiative which took place in 2016 (Canada, 2013; Canada, 2016). According to an archived introduction of Bill C-33, it claimed to be “a transformative step in efforts to close the gap in education outcomes for First Nations on reserve” (Canada, 2013, p. 1) and “provides stable, predictable funding that increases at a 4.5% rate of growth, clarifies roles and responsibilities, and establishes First Nations control of First Nations education as a central principle” (p.1). Within the bill, the federal government was committed to providing “stable, predictable and sustainable funding, including an investment in school infrastructure” (p.1) in a stream-lined fashion. They also committed to enabling First Nations to incorporate language and cultural programming into their curriculum, creating “a Joint Council of Education Professionals comprised of education experts to provide advice and support to the Government of Canada and First Nations” (p.1), and providing “the Joint Council of Education Professionals with an oversight role to ensure that ministerial powers provided by the Act are limited and used as a last resort” (p.1).

It is these last two commitments regarding the Joint Council of Education Professionals and their oversight ability that troubled many Indigenous advocates and community leaders (Rae, 2014). Though perhaps not the intention, the Joint Council of Education Professionals was not seen as an impartial advisory council, but rather a federal-funded and aligned third-party manager of First Nations education. Through this advisory council, the federal government could wipe their hands clean of any responsibility and virtue signal its alignment with First Nations Control of First Nations Education, all while maintaining its imbalanced power dynamic; just in

an indirect fashion. To make matters worse, the Bill made contradictory claims regarding funding. Though section 43 guarantees equitable funding, section 45 states that “the Governor in Council, on the recommendation of the Minister of Indian Affairs and Northern Development... can limit the maximum amounts payable under the bill” (Simeone, 2014, p. 15). This move made this commitment to ‘equitable’ funding ambiguous and up to the discretion of the federal government. In the end, it was these issues and the concerns raised by Indigenous advocates that led to the tabling of this legislation. Undoubtedly, this led to a stagnation of progress; however, it did allow for focus to be redirected towards issues within the current federal First Nations education program.

In 2016, this shift in focus resulted in an engagement effort that concluded in 2018 deemed the “First Nations education transformation” (Canada, 2016). During this engagement effort, Indigenous and Northern Affairs Canada (INAC) established a Joint Working Committee “with representatives from INAC, the Chiefs Committee on Education and the National Indian Education Council to work together to address various issues of importance to First Nations education” (Canada, 2017, p. 1). To identify and address these issues, the Joint Working Committee entered into five layers of engagement: community-level discussions, online surveys, dialogues with leadership (i.e., Chiefs of Ontario), establishing ‘task teams’ to focus on particular areas (i.e., funding, or early childhood education), and supporting regional technical discussions with regional experts. Upon concluding this period of engagement, a new funding and policy approach was implemented by Indigenous Services Canada (formerly INAC) for First Nations Kindergarten to Grade 12 Education (Canada, 2019; Canada, 2019b).

As stated by a backgrounder overview provided by Indigenous Services Canada, April 2019 marked the beginning of the implementation of “a series of new formula-based regional

funding models for elementary and secondary education, replacing a number of proposal-based programs” (Canada, 2019b, p. 1). Along with replacing previous proposal-based programs with “predictable core funding” (p.1), the new funding approach also ensures base funding is comparable (for typical education programs) with provincial systems across Canada and allows for “additional funding agreements” (p.1) to meet unique factors such as remoteness, language, and socio-economic circumstances. First Nations are also to be provided with yearly per-student funding to support language and culturally based programming, in addition to added resources to support full-time kindergarten. Finally, the new funding and policy approach will “ensure special education funding is more predictable, with fewer application-based requirements” (p.1), support further discussion with First Nations to refine the new formula-based funding model and enable the production of new Treaty-based and regional educational agreements that address the priorities and educational goals set by each First Nations. In many respects, this new approach seems to be a step in the right direction and implies that the federal government is on board with supporting the meaningful implementation of the First Nations Control of First Nations Education. However, since this funding model is fairly new, there have not been any assessments of its effectiveness, and the policy page itself states that this new funding approach “will act as an interim measure as these regional and/or local education agreements are developed and implemented” (p.1); we will just have to wait and see if the intention of this new approach comes to fruition.

First Nations organizations and First Nations responsibilities. First Nations students living within a First Nations community or ‘on-reserve’ are supposed to have their education controlled by their communities and supported by Indigenous Organizations. As stated previously, since the development of the Indian Control of Indian Education policy paper in

1972, First Nations have in essence had control of their education. However, in practice, this control has been restricted by financial constraints and bureaucratic oversight (Kirkness, 1999; TRC, 2015a).

Despite this, many of the 518 on-reserve First Nations-controlled schools are run by First Nations staff and utilize First Nations epistemologies and pedagogies (Assembly of First Nations, 2010). As well, “approximately 70,000 individuals, attend[ed] First Nations elementary and secondary school” (p. 6), making up 60% of First Nations students in Canada in 2010. Though only one example of many, the Chippewas of Nawash First Nation control the education of approximately 200 of their students at Kikendaasogamig Elementary School (Chippewas of Nawash First Nation, 2019). Within this school, students are provided with Ojibway language classes and cultural education, in addition to the typical curriculum and various mainstream special education programs provided within the Ontario provincial system.

First Nations organizations also play a key role in the facilitation of First Nations education, as they allow for the collaboration and capacity building necessary for First Nations to build robust educational systems (Garrow, 2017). One example of a First Nations organization that is addressing the current gap is the Keewaytinook Okimakanak Board of Education (KOB), which serves the Fort Severn, North Spirit, Deer Lake, Poplar Hill, Keewaywin, and McDowell Lake First Nations. By connecting five isolated, northern First Nations, KOB is able to assist their schools to secure funding through advocacy and grant writing; which is necessary if they are to provide special education services and increase student retention (Garrow, 2017; Keewaytinook Okimakanak Board of Education, 2019). As an added benefit KOB also allows for the identification of the individualized educational needs of each First Nation through collaboration and resource sharing (Keewaytinook Okimakanak Board of Education, 2019).

With all the above considered, though there have been many instances of success amongst First Nations there is still substantial work to be done. There has been increased enablement of First Nations organizations to assist in the facilitation of First Nations Education, however, it cannot be understated that “the full spirit and intent of the policy [Indian Control of Indian Education] has never been supported in a meaning manner” (Assembly of First Nations, 2010, p. 6). The presence of significant hurdles, particularly regarding funding flexibility and recognizing First Nations’ jurisdiction is evidence of this (Chiefs of Ontario, 2012). As such, until adequate funding is provided and Indigenous sovereignty is respected— the true intent of the Indigenous control of Indigenous education cannot be achieved.

What is Special Education and Who is Involved in First Nations Special Education?

Hallahan and Kauffman (2006) state that special education is “specially designed instruction that meets the unusual needs of an exceptional learner...the single most important goal of special education is the finding and capitalizing on exceptional learners’ abilities” (p.13). In 1980, Ontario’s special education legislation, Bill 82, was applied to the Education Act (Hodder, 1984). Under this bill, Special Education is defined as

An educational program that is based on and modified by the results of a continuous assessment and evaluation of the pupil that includes a plan (now referred to as an Individual Education Plan) containing specific objectives and an outline of the educational services that meets the needs of the exceptional pupil (Ontario, 2014, para 7).

This amendment firmly entrenched the right to adequate special education services by placing the responsibility upon school boards to provide “special education programs and special education services for their exceptional pupils” (Ontario, 2017).

By design, special education is supposed to follow an evaluation process that begins with the identification of a student at-risk of falling behind (McBride, 2013). The student is then to be provided with personalized interventions, though if not successful, they are to be provided with

an interprofessional (including educators, clinicians, and administrators) evaluation and diagnosis to determine if they qualify for an Individualized Education Plan (I.E.P) (Ojeda & Carugno, 2021). After the introduction of an I.E.P, the student’s progress will be followed and continuously reassessed to promote the ongoing success of the student (McBride, 2013). If the student is identified as still struggling, further support may be provided and the student may be placed in a more structured learning environment, which may include inclusive or segregated settings (Ojeda & Carugno, 2021; Philpott, 2007). Unfortunately, due to various shortcomings present within the current dominant models of special education, the evaluation process is often not properly implemented and as such, the underlying goal of providing ‘adequate’ special educational support is undermined (Tetzloff & Obiakor, 2015).

Special Education Foundations and Philosophies

Special education as a practice is founded upon differing philosophies and understandings of ability depending upon the ‘type’ of special education which is provided. In simplistic terms, these types of special education, or approaches, can be divided into two distinct categories: inclusive education and exclusive education (Bhalla, 2020; Boer et al, 2010). Within these two approaches to special education, additional models can be found. Examples specialty schooling or residential programming in exclusive education, and push-in services (i.e., Educational Assistants) within inclusive education (Boer et al, 2010; Cook & Schirmer, 2003). Despite the fact that these two approaches have clear distinct differences, it must be acknowledged that neither readily considers Indigeneity and the history of colonialism and as such, share a common foundation within colonial and Eurocentric thought.

As of late, the discourse surrounding special education has attempted to differentiate between special education and ‘inclusive’ education; however, in many situations, the two exist

in tandem and are both necessary for producing inclusive schools (McBride, 2013; Runswick-Cole & Hodge, 2009). As well, in many situations, ‘inclusive’ education actually operates as ‘integrated’ education because applying a truly inclusive education approach would involve changing the entire system of general education (Stangvik, 2014; Thomas & Loxley, 2007). The philosophies involved in exclusive and inclusive special education differ along philosophical lines with respect to their conceptualizations of disability and ability. Within exclusive education, the (bio)medical model of disability, which reduces disability to an individual tragedy/problem, is applied to students who are then read as burdensome on the general education stream or incapable of adequately participating within it (Massoumeh & Leila, 2012). Though this is largely negative, leads to exclusion, and perpetuates a culture of denigration against Disabled people, the exclusive system does have its benefits. Most prominently regarding the increased potential to meet the unique needs of each student due to increased expertise and support (Massoumeh & Leila, 2012). As well as the potential to accommodate students with complex needs (i.e., severe sensory sensitivity) in alternative educational spaces which may be better suited than the general education classroom.

Within inclusive education, the social model of disability is central to the conceptualization of disability (Connor et al, 2008; Elder & Migliarini, 2020). Through this model, disability is not seen as an inherent deficit. Rather, Disabled people are seen as being ‘disabled’ by their community and how society views them (Sarmah, 2007; Shakespeare & Watson, 2001). Through this inclusive approach, Disabled students are not simply placed within general education classrooms and expected to ‘fit in.’ Rather the classroom environment is altered to accommodate the student due to an assumption that all students deserve equal

opportunities to participate within the ‘typical’ educational spaces (Boer et al, 2010; Cook & Schirmer, 2003).

Although the inclusive model of education may be a refreshing change from the traditional exclusive method, the social model of disability is outdated and its application here is a stale way of mobilizing education (Baglieri et al, 2011; Erevelles, 2019; Janusheva et al, 2022; Runswick-Cole, 2011; Snyder et al, 2001). Researchers like Tom Shakespeare (2006) and Meekosha and Shuttleworth (2009) have problematized this framework and presented its potential oversights (Samaha, 2007; Stein & Stein, 2007). Prominently, they criticized its adherence to dichotomous ways of thinking (i.e., social vs. medical) and its reliance upon materialism; which has established itself as dogmatic and increased the potential for a return to essentialism (Feely, 2016; Goodley, 2013; Meekosha & Shuttleworth, 2009; Shakespeare, 2006). As discussed by Lindsay (2003), the way the social model has been adopted within inclusion discourse has resulted “in a kind of reductionism, “not only the individual” has become mistranslated as “only social”, and “the individual is not everything” has become “the social is everything” (p. 6). Compounding the negative impacts caused by the reductionism of disability to a purely social phenomenon, the social model has also been plagued by ineffectiveness within public policy which can be traced back to conflict with other competing values, such as individual choice and equality (Lindsay, 2003).

In addition to the philosophical shortcomings of inclusive education, in many situations, it does not come to complete fruition. As stated earlier, this is largely a result of the need to overhaul the entire general education system, which does not happen. Without explicit changes to how general education is structured, the unfortunate reality is that many inclusive educational initiatives will continue to masquerade as integrated education (Mitchell et al, 2014). That of

which often leaves Disabled students in an ‘integrated’ education space which does not recognize or accommodate their unique educational needs and as such, perpetuates many of the issues present in exclusive education (Romstein, 2015).

Who is Responsible for First Nations Special Education?

As stated previously, jurisdictional responsibilities for the education of First Nations students are dependent upon where they reside and if their community is recognized/governed through the Indian Act (TRC, 2015c). Responsibilities for special education are the same, though they do differ slightly due to the distinction between ‘general’ and ‘special’ education. If a First Nations student does not reside on a reservation or is from an Indigenous community that is not governed under the Indian Act, their special education services are guaranteed under the Ontario Education Act (Ontario, 2014). This is explicitly stated within sections 8(3), 11(1), and 57 of the Act (Ontario, 2014). What differentiates the special education experiences of First Nations students living off-reserve from their counterparts living on-reserve is this explicit guarantee of special educational services/support in legislation.

Since First Nations communities exist as sovereign entities (i.e., nations) and are dictated by historical crown relations, their interactions with the Canadian government regarding access to public services primarily take place at the federal level. As such, since there is no federal department regarding education, the administration of First Nations education falls upon Indigenous Services Canada (ISC; formerly Indigenous and Northern Affairs/Indian Affairs). Though ISC does state that it provides financial support for special education programs and services, which are guaranteed within the current Elementary and Secondary Education Program (2022) and the application-based High-Cost Special Education Program (Canada, 2008), the Indian Act has no explicit mention of special education. In fact, the Indian Act only mentions the

term education twice; first, in section 114(1) when stating the Ministry’s authority over First Nations education and then again when reiterating the Ministry’s ability to produce regulations regarding education infrastructure and curriculum in section 115 (Branch, 2019). Though the presence of special education programming and funding systems would imply that special education services are a ‘right’ and available as needed, this has historically not been the case; as is shown through the Ontario First Nations Special Education Review Report (Garrow, 2017).

Prior to and during the Human Rights Tribunal that sparked the development of the Ontario First Nations Special Education Review Report (Garrow, 2017), the Mississauga’s of the New Credit First Nations launched a website called *Firstnationspecialeducation.ca* (MNCFN, n.d.). Within this webpage is information about the Human Rights case and general information which highlights how special education differs on reserves. Though circumstances differ depending upon the remoteness and the unique needs of First Nations communities, special education on reserves differs from the Ontario provincial system because of a lack of legal guarantee, inadequate funding, insufficient access to specialists, and a lack of systemic procedures to allow for the sufficient implementation of special education (MNCFN, n.d.). In other words, the current funding system provided by ISC does not enable First Nations to support their students with special educational needs and as a result, many are denied access to these schools. Instead, these First Nation students are often outsourced to provincial schools, which leads to jurisdictional and funding concerns regarding who is now responsible for the additional educational costs associated with their special education services. These current hurdles are highly problematic and leave First Nations-ran schools in between a ‘rock and a hard place’, particularly as if this system is not changed “far too many of our children [First Nations] children

with special needs will be denied the opportunity to learn in an on-reserve school among their peers in a culturally supportive environment” (Garrow, 2017, p. 4).

Literature Review

The purpose of this study is to trace the connection between current and historical conceptualizations of disability and colonialism within Canada as they relate to education. Towards this end, I am employing Puar’s (2017) concept of debility to highlight how settler-colonial ideologies exacerbate the negative societal forces associated with disability, neurodiversity, and bodies deemed unconventional. Through applying Puar’s concept, the settler-colonial underpinnings of these societal forces are brought to the forefront and one can begin to uncover how they often operate to prevent Indigenous people from accessing the liberal identity of ‘Disabled’ through pathologizing their cultural identity as unacceptable or irredeemable (Greensmith, 2012). I bring this line of inquiry to bear on Special Education in Ontario, as it provides a case study of how settler-colonialism impacts approaches to and perspectives on disability and neurodiversity. Mainstream disability discourse, particularly regarding Special Education and the various programs/interventions associated with this field of education, has in many regards intensified the pathologization of Disabled Indigenous identities.

This pathologization has largely occurred through the historical (and present) omission of Black, Queer, Indigenous, mad, and Disabled voices in research and theory production, which subsequently undermined the intentions of Special Education and made it vulnerable to weaponization by settler-colonial institutions. Fortunately, Disability Studies researchers and critical [special] educators have begun the process of examining the various shortcomings of current special education structures and how they interpret various disabled identities (Davila, 2015; Gillborn et al, 2016; Kozleski, 2016; Mahon-Reynolds & Parker, 2016). Such as Davila’s (2015) study which explores how ablest and racist microaggressions permeate into special education experiences for racialized Disabled students. Or Shume’s (2020) study which

investigates how teacher education textbooks construct predetermined perspectives of Disabled students prior to teachers entering the special education space. Though these efforts should be acknowledged and commended, they inevitably come up short due to the current focus of Disability Studies discourse being directed towards the current social models of disability clashing with the historical, but persisting, (bio)medical model of disability (Goodley, 2013; Goodley et al, 2019). Unfortunately, though Disability Studies and the social institutions which have adopted their ideas and rhetoric have clearly positively impacted the lives of many people who experience disability, they have generally failed to acknowledge the exacerbating circumstances experienced by those who are Disabled and of other marginalized statuses (Goodley et al, 2019; Meekosha, 2011). Particularly Indigenous people, who experience the compounding forces of ableism, racism, and colonialism because of the hegemony of Eurocentrism and the ambitions of settler-colonial governments (Ineese-Nash, 2020).

These points of contention have been debated and dissected within the emerging field of Critical Disability Studies, which claims to be an intersectional field that accounts for the lived realities of people who experience disability globally (Meekosha, 2011). This offshoot of Disability Studies utilizes theory and thought from numerous critical fields of study in an effort to break away from the traditional dichotomous thinking about disability and impairment (Goodley, 2013; Goodley et al, 2019; Meekosha & Shuttleworth, 2009). It also seeks to dismantle all forms of oppression by aligning ableism with other stigmatizing forces (Goodley, 2013; Vehmas & Watson, 2014). Aligning this study with the goals of Critical Disability Studies, I draw upon theories and ideas from various disciplines which rely upon or position themselves in adjacency with Critical Theory. These include the fields of Critical Race Theory, Critical Disability Studies, Indigenous/Native American Studies, and Settler Colonialism. Of which

conflict in some regards, though nonetheless, share common ground within Critical Theory. As such, in this section, I will discuss the concepts which have emerged within the fields of study, when they emerged, and who they emerged from. Also, I will discuss the gaps in the literature which have emerged and conclude with my justification for choosing these theories.

Critical Race Theory

Critical Race Theory’s (CRT) foundations are in legal studies, particularly Critical Legal Studies (CLS) which was a “leftist legal movement that challenged the traditional legal scholarship” (Ladson-Billings, 1998, p. 10) by focusing their analysis on social and cultural context instead of doctrine or policy specifically. Though CRT has emerged from Critical Legal scholarship, it has developed into an entirely separate entity largely because of the shortcomings of CLS (Rollock & Gillborn, 2011). Most prominently those shortcomings which spawn from its focus on theoretical inquiry and subsequent failures to provide sensible and reasonable strategies that can be implemented to produce social change (Ladson-Billings, 1998). Ladson-Billings (1998) cites Cornel West’s (1993) critique of CLS to demonstrate this by discussing how previous critical legal scholarship has often questioned the legitimacy of current legal and social structures but simultaneously avoided exploring solutions that could produce new legal and social structures. Therefore, introducing CRT and centering the impacts of racism on critiques of hegemonic legal (and social) ideologies was a logical next step to identifying pathways for producing real and tangible systemic change.

As pointed out by Crenshaw et al (1995), CRT encompasses a wide variety of methodological and ideological scholarship which are concerned with understanding the permeating and systemic impacts of white supremacy on social thought and institutional development. As well, they are unified by a common goal of dismantling “the bond that exists

between law and racial power” (Ladson-Billings, 1998, p. 12). Though CRT does not have a “canonical set of doctrines or methodologies to which all subscribe” (Ladson-Billings, 1998, p.12), they are unified by several underlying themes regarding CRT research. The first is that racism is endemic to Western (specifically American) life and thus, embeds itself in the rationality of its citizens and institutional structures. The second is that skepticism must be applied to assumptions of legal neutrality and objectivity. Particularly as racism is conceptualized as a historical and contemporary force, which operates overtly and covertly while contributing to all forms of contemporary privilege and disadvantage. Following is an understanding that white people have largely been the beneficiaries of civil rights legislation and as such, control the “interest convergence” (as coined by Derrick Bell) that is concerned with maintaining the ‘status quo’ (Hartlep, 2009). And finally, the remaining tenants outline that CRT research must center knowledge from (local) people of colour in the analysis and be transdisciplinary in nature. As by utilizing local knowledge from people of colour in combination with a transdisciplinary design will allow for CRT research to work towards the ultimate goal of dismantling all forms of oppression through addressing the forces of racism (Bonilla-Silva, 2015; Bonilla-Silva, 2015a; Dixson & Rousseau, 2005; Ladson-Billings, 1998; Matsuda et al, 1993).

Numerous scholars from different ideological perspectives and methodological standpoints have applied the loose framework provided by CRT; researchers in the field of Education being no exception. These scholars have been guided by viewing racism as endemic and ongoing within Western societies; dismissing the presumption that the law is neutral and objective; centring the voices of people of colour; and most likely have been inspired by the 1995 piece by Ladson-Billings and Tate (1995), “Toward a Critical Race Theory of Education”, which introduced CRT to the field of Education. Ladson-Billing and Tate (1995) proposed that

social inequities in education were founded upon ongoing systemic racism, inequitable property rights, and the exacerbating negative forces which manifest from the intersection of these two forms of inequality. CRT in education has evolved from these foundational propositions to enable scholars to ask critical questions about how racism permeates into liberal notions of educational equity and fairness. In addition to examining how racism and intersecting forms of oppression, including sexism, classism, homophobia, and ableism impact educational experiences (Howard & Navarro, 2016). Such as in the case of DisCrit, which I will discuss at length later in my theoretical framework, though did emerge from the combination of Disability Studies thinking and CRT applications within education (Annamma et al, 2013).

CRT in education, like Critical Legal Studies, has been critiqued for lacking pragmatic applications for addressing the educational inequalities it identifies (Howard & Navarro, 2016). As well it has been accused of being a “trendy” scholarly endeavor that is utilized by researchers to ensure publication and safeguard them from the need for “quality work” (Ladson-Billings, 2013, p.44; Ledesma & Calderón, 2015). Though some of these critiques hold some validity, the application of CRT to the study of education and production of curriculum has been an invaluable resource for uncovering and understanding how inequalities manifest within schooling experiences. Since CRT in education is a continuously expanding field, there is a need for important work to still be done, particularly at the nexus of racialization and critical disability studies.

TribalCrit

Undoubtedly, the research applications of Critical Race Theory (CRT) are vast, particularly in the field of education. Though unfortunately, it has become increasingly apparent that the broad net cast by CRT is not always adequate for analyzing the coupling forces of settler

colonialism and racism (Howard & Navarro, 2016; Ladson-Billings & Tate, 1995). Brayboy’s (2005) TribalCrit (Tribal Critical Race) Theory arose to “more completely address the issues of Indigenous Peoples in the United States” (p.427) (McKinley, 2013). Like how CRT draws upon the commonalities between diverse epistemologies and ontological experiences from various racialized communities of colour, TribalCrit replicates this effort by mobilizing the commonalities of various Indigenous people/Bands living on Turtle Island (Brayboy, 2005; McKinley, 2013). Though in acknowledging this, TribalCrit was brought into existence because of the inability of CRT to account for the special legal and political status of Indigenous people, particularly in regards to their educational rights and attainment (Brayboy, 2005). Additionally, it is suggested that it fails to acknowledge the experiences and realities of colonialism that are endemic to the settler societies we exist in today (Brayboy, 2005). Though CRT and TribalCrit share many similarities, the defining factor which differentiates the two is that CRT states “racism is endemic to society” (Brayboy, 2005, p. 429), while TribalCrit “emphasizes that colonization is endemic to society” (p.429). As well, the latter acknowledges how racism intertwines itself with (settler) colonial logic and goals.

In "Toward a Tribal Critical Race Theory in Education," Brayboy (2005) lays out nine tenets that summarize the general goals and purpose of the theory. The first two tenets focus on the endemic nature of colonization, white supremacy, and material/resource acquisition in the structuralization of American society and its Indigenous policy. Subsequently, tenet three discusses how these policies place Indigenous people in a ‘liminal’ (at the margins, or within transition) space that dictates their political and racialized identity. Tenets four and five focus on the need for autonomy and self-determination within Indigenous communities, as well as the distinct meaning of culture, power, and knowledge when applying an Indigenous lens.

Connecting back to the initial two tenets, tenet six states that the historical and ongoing policymaking centred around Indigenous people is rooted in assimilatory ambitions. Tenet seven focuses on the centrality of Indigenous traditional practices and ways of knowing to the ontologies of Indigenous people and their communities. Tenet eight highlights the importance of stories and storytelling, as they represent Indigenous theories and can be conceptualized as both data and fundamental knowledge. Finally, tenet nine outlines that “theory and practice are connected in deep and explicit ways” (Brayboy, 2005, p. 430) and as such, must be geared towards social change.

The nine tenets laid out by Brayboy (2005) encompass a wide variety of goals, though paint a clear intended purpose for his theory. As previously mentioned, Brayboy (2005) does acknowledge that TribalCrit was initially intended to address the lived realities of Indigenous people in the United States specifically. Though due to similar experiences of colonialism and the comparable systematic production of their political/legal identities, it can also be applied to Indigenous people living within other societies and circumstances. Such as in the case of Kitchen et al (2010), who utilized TribalCrit as a discursive framework to critique current teacher education practices in Ontario by examining a series of responses from six early-career Indigenous teachers. Through listening to the concerns of the Indigenous educators within a talking circle and utilizing TribalCrit to “reframe education issues meaningfully for members of Aboriginal community and respect their ways of living” (Kitchen, 2010, p. 109), the researchers pinpointed issues regarding assimilation, discrimination, and inequality within both teacher preparation and actual employment opportunities.

Zuhra Abawi (2018) also utilizes TribalCrit to critique education, though she directs her inquiry inwards towards her experiences as a racialized woman working within academia in

Canada. Through drawing on both CRT and TribalCrit, Abawi (2018) situates her experiences within literature that explores the systemic barriers within higher education that enable the exclusion of Indigenous people and people of colour to maintain white hegemony. In doing this, she counters the assertions that universities are “neutral and impartial places of social and political good” (p.91). Instead, she suggests that universities are inherently contradictory places through focusing on presenting themselves as equitable and inclusive; without any political and practical action to back up these claims. With the groundwork set by studies like the ones mentioned, researchers like Chen (2016) expand this approach beyond a North American perspective. In this case, they did so by utilizing previous applications of TribalCrit Theory within the settler-nations of Canada, the USA, and Australia to reflect upon Indigenous teacher education in Taiwan. Clearly, the applications of TribalCrit are ongoing and with that in mind, this study continues this trend by applying it to the educational experiences of those who are both ‘Disabled’ and Indigenous.

Critical Disability Studies

In a short piece by Octavian Robinson (2017) he questions “what distinguishes Disability Studies from Critical Disability Studies?” (p.1). Robinson (2017) goes on to differentiate the two overlapping fields by stating that Disability Studies is concerned with disability itself, while Critical Disability Studies is found to be concerned with “ideas, the body, and society” (p.1). As the predecessor to Critical Disability Studies, Disability Studies’ production of the social model of disability played a fundamental role in the development of further theorization regarding experiences of disability. This model of interpreting disability is founded upon two key dichotomies: impairment is inherently different from disability, and a social model perspective is distinguishable from both the medical and individualistic models (Shakespeare, 2006). Disability

in this respect is not viewed as an individual biological defect, rather it is seen as a social construction that is dictated by the “relationship between people with impairment and a disabling society” (Shakespeare, 2006, p. 197).

As mentioned above (within the Context section), the social model has been significantly problematized. Much of this problematization spawns from its dichotomous nature, reductionist tendencies, return to essentialism, and general ineffectiveness in producing the inclusivity it calls for (Lindsay, 2003; Meekosha & Shuttleworth, 2009; Runswick-Cole, 2011; Samaha, 2007; Shakespeare, 2006; Snyder et al, 2001; Stein & Stein, 2007). But the social model and other seemingly ‘universal’ conclusions made within Disability Studies have been called into question for another reason—the prominence of white, male, heteronormative, physically disabled, or nondisabled perspectives and accreditation of scholars who fit these characteristics (Bell, 2010; Koch, 2008; Miles et al, 2017).

It is these criticisms and questions about the ‘absolutism’ of Disability Studies dogma that are at the heart of Critical Disability Studies discourse. Critical Disability Studies, unlike traditional Disability Studies, is centred not only around disability/impairment and Disabled people but also around dismantling systemic forces of oppression which negatively impact marginalized people—including those who experience disability (Goodley, 2013; Goodley, 2019; Hall, 2019; Schalk, 2017). Through applying a transdisciplinary approach to disability by utilizing knowledge and perspectives from other critical fields of study, Critical Disability Studies breaks away from the dichotomous thinking (i.e., impairment vs disability, ‘Disabled’ vs nondisabled) which engrosses the majority of Disability Studies scholarship (Meekosha & Shuttleworth, 2009). Critical Race Theory, Postcolonialism and Decolonialization, and Queer Theory are just some of the burgeoning fields of inquiry that are impacting current scholarly

work emerging from Critical Disability Studies (Goodley, 2013; Goodley et al, 2019). In this respect, Critical Disability Studies is both indebted to the past work of Disability Studies and Critical Theory scholars while simultaneously contributing to the goals of both fields through aligning their knowledge bases to dismantle all forms of hierarchical oppression (Dirth & Adam, 2019).

DisCrit

Through bringing critical theories and Disability Studies together, Critical Disability Studies have produced several theories which utilize intersecting knowledge to tackle disability, ‘disablement,’ and impairment from different perspectives. Particularly those who have been marginalized within Disability Studies discourse or those that have traditionally been left out of the conversation entirely. For example, McRuer (2018) and scholars like him have been highly influenced by Queer Theory while producing Crip Theory which “build upon queer critiques of neoliberalism” (Kafer. 2009, p. 291) by presenting the forces of heteronormativity as inherently ableist and founded in eugenic-like thinking. Similar to how Crip Theory views heteronormativity and ableism as stemming from the same foundations, Disability Critical Race Studies or DisCrit views racism and ableism as operating in tandem; both simultaneously mediating and exacerbating each other (Annamma et al, 2013).

DisCrit as a theoretical framework was first proposed by Annamma, Connor, and Ferri (2013) in their article titled “Dis/ability Critical Race Studies (DisCrit): Theorizing at the Intersections of Race and Dis/Ability”, though initial theorization of Critical Race Theory and Disability Studies together began earlier (Ferri & Connor, 2005; Rocco, 2005; Watts & Erevelles, 2004). Like CRT and TribalCrit, DisCrit lays out several guiding principles to ensure this theory is useful in research. First, “DisCrit focuses on ways that the forces of racism and

ableism circulate interdependently, often in neutralized and invisible ways, to uphold notions of normalcy” (Annamma et al, 2013, p. 11). In connection with this, DisCrit emphasizes intersectional identities and seeks to trouble “singular notions of identity” (Annamma et al, 2013, p. 11). Intersectional identities are emphasized, and singular notions of identity are problematized through emphasizing “the social construction of race and ability” (Annamma et al, 2013, p. 11), whilst simultaneously recognizing the “material and psychological impacts of being labelled as raced or disabled” (p.11).

DisCrit, like its predecessor CRT, grounds itself in the voice of marginalized populations and considers the “legal, ideological, and historical aspects of dis/ability and race” (Annamma et al, 2013, p. 16). In addition to this, it also considers how the forces of ableism and racism have been utilized both in a historical and contemporary sense to “deny the rights of certain citizens” (Annamma et al, 2013, p.16). Thus, DisCrit research recognizes that both whiteness and ability are “Property” and have been utilized to award “economic benefits to those who can claim whiteness and/or normalcy” (Annamma et al, 2013, p. 16). Particularly as many of the gains made by ‘Disabled’ individuals have been contingent upon white and/or middle-class ideals. In summing all these underlying guidelines together, the final tenet of DisCrit requires that any research that finds itself under its banner must center the need for activism and “support all forms of resistance” (Annamma et al, 2013, p. 11).

Through applying these tenets to research, DisCrit has been invaluable for examining the intersections of race and disability. However, since it has traditionally been used to trouble notions of disability revolving anti-Black racism, it does not adequately acknowledge the exacerbating impact of settler colonialism specifically. Which intertwines itself with the social productions of race and disability. Scholars like Meekosha (2011) and Jaffee and John (2018)

dissect the impacts of the export of Eurocentric ideologies within Disability studies, which often results in the silencing and alienation of Indigenous or colonized voices. Nicole Ineese-Nash (2020) brings this inquiry further by presenting the label of disability as a colonial construction that conflicts with Indigenous epistemologies and traditional practices (i.e., community building or child-rearing). Studies, such as those previously mentioned, have built upon and intersected with the ideas presented in DisCrit. Though, unfortunately, this offshoot of Critical Disability Studies is still burgeoning and therefore quite limited in the number of publications (Grech, 2015; Meekosha, 2011; Velarde, 2018). In the meantime, DisCrit is utilized within this study because of its applicability to examining the intersections of race and disability; as well as in an effort to contribute to the ongoing effort of decolonizing (Critical) Disability Studies.

Settler Colonialism and Indigenous Studies

The Logic of Elimination and Anti-Indianism

Within the field of Settler Colonialism, Wolfe’s (2006) theory of the Logic of Elimination is a widely cited theory. This theory sees the Logic of Elimination operating in settler-colonial states as “inherently eliminatory but not invariably genocidal” (Wolfe, 2006; p. 387) because “elimination refers to more than the summary liquidation of indigenous people, though it includes that” (p. 390). He also notes that the Logic of Elimination is justified by settler-colonial societies’ tendency to “destroy to replace” (Wolfe, 2006; p. 388) because it simultaneously requires and is produced by the ongoing destruction of Indigenous people (Kauanui, 2016). In a similar respect, the less popularized but equally important concept of Anti-Indianism proposed by Cook-Lynn (2001) is foundational to the field of Native American/Indigenous studies. Though both concepts emerge from somewhat conflicting fields of

study, their conclusion regarding the displacement, death, and systemic oppression of Indigenous people living in settler-colonial societies are largely the same.

Anti-Indianism as defined by the Crow Creek Sioux novelist and literary critic, Elizabeth Cook-Lynn, is seen as a “sentiment that results in unnatural death to Indians” (Cook-Lynn, 2001, p. x), though she does not specify literal (physical) death. She outlines that Anti-Indianism possesses four key traits:

Anti-Indianism is that which treats Indians and their Tribes as if they do not exist, the sentiment that suggests that Indian nationhood (i.e., tribalism) should be disavowed and devalued...Second, Anti-Indianism is that which denigrates, demonizes, and insults being Indian in America. The third trait of Anti-Indianism is the use of historical events and experiences to place the blame on Indians for an unfortunate and dissatisfying history. And, finally, Anti-Indianism is that which exploits and distorts Indian beliefs and cultures (Cook-Lynn, 2001, p. x)

The culminating goal of the traits of Anti-Indianism is thus then to produce ideas, literature, and individual sentiments which vilify, devalue, and ultimately ‘disappear’ Indigenous people and their cultural identities (Cook-Lynn, 2001; King, 2008). In many respects, Cook-Lynn’s (2001) notion of Anti-Indianism is the individual and institutional sentiments that enable Wolfe’s (2006) Logic of Elimination to persist within settler-colonial societies.

To bring together Wolfe’s (2006) and Cook-Lynn’s (2001) theories, I now focus on how Anti-Indianism’s emergence in history, literature, and ‘science’ has been utilized to justify the denigration of the Indigenous identity and colonial violence within history and in the present. Furthermore, I pay specific attention to how Anti-Indianism has positioned Indigeneity (the way of being and knowing associated with being Indigenous) and sovereignty as impeding the individual and communal success of Indigenous people. Which then justifies and enables the production of social and economic policies that ignore or disavow Indigenous ways of knowing and being (Cook-Lynn, 2001; Estes, 2019). Within this study, Anti-Indianism is used as a tool to examine how the Logic of Elimination continues to operate within the neoliberal, settler-colonial

society of Canada. As well as how it continues to inform the ongoing “structural genocide” (Wolfe, 2006; p. 403) which is often misinterpreted as “genocidal moments” (Moses, 2000).

In addition to utilizing Anti-Indianism to examine how the Canadian nation-state enacts the Logic of Eliminations broadly, I am also focusing on educational institutions specifically. As Four Arrows (2019) (also known as Don Trent Jacobs) did in his 2019 article which discusses indigenizing schooling and the long-overdue confrontation of Anti-Indianism in education. He highlights that though educators have been utilizing “decolonization to challenge educational and cultural hegemony” (Arrows, 2019, p. 5), these provocations by educators must also be coupled with the introduction of Indigenous epistemologies and values. Otherwise, as is the case with many well-intended but not Indigenous-led efforts, it will simply operate as another tool of colonial dispossession. Therefore, I draw upon the concept of Anti-Indianism to apply scrutiny to the literature and policies which inform/influence the production of educational spaces for Indigenous students who experience disability. Specifically, as it is this anti-Indian sentiment that allows the Logic of Elimination to manifest and entrench itself within these structures and institutions.

Debility

Hailed as a scholar engaged in “drawing together debates between disability studies, LGBT studies, critical race studies, and feminist theory” (Kinkaid, 2018), Puar (2017) first proposed her theory of Debility in *The Right to Maim: Debility, Capacity, Disability*. Doing so through employing the Foucauldian notion of Biopower (Foucault, 1984) and the corresponding concept of Necropolitics theorized by Achille Mbembe (2003), she utilized this theory to animate the material reality of Dis/ability and debilitation within Palestine under the settler-colonial occupation of the State of Israel. Further, Puar demonstrated how Disability discourse and its

colonial preoccupations contribute to the settler-colonial tendency to “destroy to replace” (Wolfe, 2006, p. 388). Puar (2017) states that Debility and disability are distinguishable from one another, as the former is a “slow wearing down of populations”, while the latter is an “event of becoming disabled” (p. xiv).

In this respect, disability is centred around an act of becoming, as well as an identity based around an exceptionality—which can produce potential (identity-based) ‘privileges’ (Puar, 2017). Through Crip Nationalism, which Puar (2017) employs to discuss how the Biopolitics of debilitation are covered up, some disabilities and cultural identities are deemed “socially productive for national economies” (Puar, 2017, p. 38) at the expense of other disabilities and social identities (i.e., a Palestinian living in the West Bank who experiences an intellectual disability is viewed as unproductive, while an Israeli Defense Force veteran who experiences a physical disability is viewed as productive) (Douglas, 2018). Particularly those that do not meet the “minimum levels of corporeal, intellectual, and sensory capacity, in conjunction with subjective aspects of aesthetic appearance” (Snyder & Mitchell, 2010, p. 124) needed to “access the “full benefits” of citizenship” (p. 124). Debility, on the other hand, is produced through the intentional act of sustained and perpetual ‘Slow Death’ of a population through structural inequalities and suffering (Berlant, 2007; Puar, 2017; Puar, 2013).

This ‘Slow Death’ (Puar 2017) is achieved and maintained through political structuralization and power stratification which she examines by prescribing the notion of Biopower and the theory of Necropolitics. Foucault (1984) hypothesized Biopower as a mode of exercising power when he proposed that there was a transition of “the old power of death that symbolized sovereign power” into a careful administration of bodies and a “calculated management of life” (p. 262). Which is then distributed amongst a variety of disciplinary

institutions and political organizations. This new intensification of state and institutional concern with the body and life of its citizens has resulted in what Foucault (1984) deems the “era of ‘bio-power’” (p. 262). In this new era, the deductive model of power (top-down, total/absolute, and authoritative), or the ‘sovereign’ which was the previous sole holder of power, becomes only one element within an apparatus of power systems (Cisney & Morar, 2015). Because of this, the traditional understanding of power as static and something which one either has or does not have is thus insufficient when the notion of Biopower is introduced — particularly because when one may be dominant (hold power) in one setting; they may not in another (Cisney & Morar, 2015; Genel, 2006). Power can thus be conceptualized not as a linear path, but rather as a network which utilizes individuals as unwilling nodes which submit to, exercise, and perpetuate it (Foucault, 2003; Virilio, 2005).

Building upon Foucault’s (1984) Biopower, Mbembe’s (2003) Necropolitics does away with the dichotomous thinking about ‘the right to kill’ and ‘the right to let live’. Mbembe (2003) does this by realigning the politics of life and the politics of death by questioning if the notion of Biopower can account for how the modern sovereign state exercises its right to kill, right to expose to death, and right to let live (Gossett, 2014; Mbembe, 2003). Mbembe (2003) grounds his troubling of Foucault’s (1984) dichotomous thinking by examining “those trajectories by which the state of exception and the relation of enmity have become the normative basis of the right to kill” (Mbembe, 2003; p. 16). These trajectories in which he examines focus on populations that are in either (or both) a “state of siege” (Mbembe, 2003; p. 16), such as the Palestinians living under the colonial occupation of Israel, or a “state of exception” (p. 16), such as Black people living under apartheid (Gossett, 2014; Martin-Baron, 2014)

The necropolitical state of siege in which Palestinians currently face and the biopolitical institutions which maintain this state is what led Puar (2017) to become disillusioned with dominant disability frameworks. Within the liberal rights-based framework of disability (sometimes deemed an identity model of disability), disability is conceptualized as exceptional and consequently a blameless occurrence that could impact any individual. To Puar, this disability framework is problematic as it ignores the intentional debilitation and disablement caused by capitalism and colonialism throughout the world. As well as subsequently leaving many individuals in an in-between state of being neither disabled nor , as they do not meet the neoliberal criterion laid out for them.

'Disabled' people who live in constant states of Debility caused by colonialism and capitalism are often less likely to experience the 'entitlement' associated with a 'Disabled' identity. Such as access to the "service economies and neoliberal strategies of intervention and rehabilitation" (Puar, 2017, p.77) which 'Disabled' people invest into as "objects of care" (p. 77). The Debility which excludes these people from the economies of care often goes ignored within disability frameworks as it occurs as an ongoing and chronic state, which either manifests covertly or is viewed as a result of cultural/individual lifestyles (Puar, 2017).

The presence of Fetal Alcohol Syndrome Disorders (FASD) within Indigenous communities offers an example of the need to contextualize disability within the history of colonialism. For non-Indigenous mothers, occurrences of FASD are often interpreted as individual tragedies which occur because of individual circumstances (i.e., a mother's individual choice to consume alcohol during pregnancy). For Indigenous mothers though, occurrences of FASD are often interpreted as being a result of cultural norms which stem from stereotypical and racist interpretations of Indigenous people (i.e., that they are 'drunkards') (Aspler et al, 2018).

Though nefarious in itself, the fact that much of the real substance abuse issues plaguing Indigenous communities currently can be directly connected to the transgenerational trauma associated with Residential schooling and the 60s Scoop makes matters worse (Bombay et al, 2014; Bombay et al, 2020; Sinclair, 2020; Wilk et al, 2017). As well, it has been well-documented that intoxicants were weaponized by early colonists and fur traders as means to incapacitate and manipulate Indigenous people (Daschuk, 2019). Therefore, by problematizing the concept of disability through inserting the impacts of Debility, one can begin examining how political regimes and state institutions utilize the identification of disability as a tool to exclude or valorize particular impairments and identities (Puar, 2017).

Though Puar (2017) initially developed the concept of Debility through scrutinizing the applications of a liberal rights-based framework of disability within the settler-colonial state of Israel and the occupied territories of Palestine, it can be transported and usefully applied to other colonial settings. Julie Livingston (2005) did so when theorizing their interpretation of Debility while conducting ethnographic research in the post-colonial nation of Botswana. As Puar points out, the concept can also be applied to disenfranchised communities within the global north (Puar, 2017). Puar does not outright discuss the applicability of Debility to the experiences of Indigenous communities on Turtle Island. Though, upon considering its contribution to the settler-colonial Logic of Elimination (Wolfe, 2006), it becomes quite clear that it is applicable and contributes to the corresponding Native American Studies theory of ‘Anti-Indianism’ (Cook-Lynn, 2001). By employing this concept, the Debility that Indigenous people face is then suggested as “endemic, perhaps even normative, to disenfranchised communities: not nonnormative, not exceptional, not that which is to come or can be avoided, but a banal feature of quotidian existence that is already definitive of the precarity of that existence” (Puar, 2017, p.

16). Thus, in utilizing Puar’s (2017) concept, I am analyzing how Indigenous communities, and their ‘Disabled’ populations, demonstrate how “disability and debility are not at odds with each other” (p. xvii). Instead, two compounding forces which support each other in an “economy of injury that claims and promotes disability empowerment at the same time that it maintains the precarity of certain bodies and populations” (Puar, 2017, p. xvii).

Justification for Theory

As mentioned throughout this section, positioning this paper in conversation with Critical Race Theory, Critical Disability Studies, Indigenous/Native American Studies, and studies of Settler Colonialism is essential for conducting this critical analysis. Particularly as all the theoretical standpoints and their corresponding theories/concepts are invaluable for investigating distinct aspects of the Ontario First Nation Special Education Review Report (Garrow, 2017), whether those be related to dis/ability, race, or colonialism. In addition to this, several of the theories/concepts, such as those from Indigenous Studies (Anti-Indianism) and Settler Colonialism (Logic of Elimination), overlap and will allow me to bring together two similar perspectives which often are not integrated. Through this transdisciplinary application of these theories/concepts, I also intend to assist in beginning to close some of the gaps found within the literature featured.

Many of the gaps found within the literature featured spawn from a lack of conversation between these fields of study which in many regards intersect in ideals, but do not interact with one another to a substantial degree. As shown through the development of DisCrit, which emerged from the synthesis of Critical Race Theory and Disability Studies by critical [special] educators, there has been some collaboration (Annamma et al, 2013). However as noted by Grech (2015), when race and disability are discussed in a disability-centred context, the impact

of colonialism is often not acknowledged or integrated. In a similar respect, Brayboy (2005) developed TribalCrit to address the shortcomings of CRT which did not address the unique political and social status of Indigenous people in America. Though beyond the breadth of Brayboy's (2005) intention, the lack of inclusion of dis/ability does hinder the applicability of his TribalCrit theory; specifically, for those who are both Indigenous and Disabled. Thus, through integrating the perspectives presented within Wolfe's (2006) Logic of Elimination, Cook-Lynn's (2001) Anti-Indianism, and Puar's (2017) Debility alongside the critical frameworks from Critical Race Theory and Critical Disability Studies, I am able to frame racism, colonialism, and ableism as entwined social forces which share foundational origins. And as such, they cannot be examined adequately as entirely separate social forces.

Methods

What Is Critical Discourse Analysis?

To explore the research questions through the examination of the Ontario FN Special Education Review Report (Garrow, 2017), I am utilizing a Critical Discourse Analysis (CDA) approach. As a type of discourse analysis, CDA is a qualitative research method that is concerned with the role of language in the construction of social reality (Atkinson et al, 2000; Smith, 2015). In this respect, CDA practitioners, like Foucault, understand that “discourses are more than ways of thinking and producing meaning. They constitute the nature of the body, unconscious and conscious mind and emotional life of the subjects they seek to govern” (Weedon, 1987, p 108). Though CDA emerged from a research method that encompasses a variety of approaches and stems from various disciplinary origins, it maintains its shared “rejection of the realist notion that language is simply a neutral means of reflecting or describing the world, and a conviction in the central importance of discourse in constructing social life” (Atkinson et al, 2000, p. 172).

With this similarity acknowledged, CDA differs from other forms of textual analysis in several areas. Huckin (2002) identifies an assortment of major points of difference which begins with CDA’s emphasis that “authentic texts are produced and read (or heard) not in isolation but in some real-world context with all of its complexity” (p.78). Therefore, to take on a CDA approach, one must consider relevant textual, contextual, historical, and societal factors that impact the production and subsequent interpretations of texts (Fairclough, 2013; Grue & Sherry, 2014). In doing this, it may seem as if CDA is casting a broad net; however, CDA’s actual intention is to draw together three levels of analysis. Which are “the text; the discursive practices

(that is, the processes of writing/speaking and reading/hearing) that create and interpret that text; and the larger social context that bears upon it” (p. 78).

To achieve these goals of drawing together various levels of textual analysis, CDA approaches are applied to projects which are focused on important/relevant societal issues (Huckin, 2002). This is largely a result of the emphasis on context (including political, cultural, and social factors) within CDA research, as well as past CDA theorists’ focus on texts that have real-world consequences on the lives of various people. Through analyzing texts which CDA researchers believe have impacts on the lives of individuals, they adopt an inherently ethical stance “that draws attention to power imbalances, social inequities, non-democratic practices, and other injustices in hopes of spurring readers to corrective action” (p. 79). Hence why the term ‘critical’ is featured and various forms of Critical Theory are embedded within this discourse analysis approach.

By rooting itself in Critical Theory, CDA takes a critical stance against ‘taken-for-granted knowledge’ through the understanding that knowledge and how we view the world are both at the mercy of historical and cultural forces (Fairclough, 2013b; Fairclough & Wodak, 1997; Wodak, 2002). Huckin (2002) states that this critical stance is also a result of CDA practitioners assuming “a “social constructionist” view of discourse” (p.79), which leads to the view that reality is constructed through our interactions with others and mediated through language or other semiotic systems. Thus, CDA shares the Foucauldian understanding that discourse is used to constitute “knowledge, together with the social practice, forms of subjectivity and power relations which inhere in such knowledge and relations between them” (Weedon, 1987, p. 108). By using various concepts associated with Critical Theory and building up Foucault’s conceptualization of discourse, CDA researchers can view language and discourse

in a manner that allows it to be interpreted as constituting various social realities (E Shaw & Bailey, 2009). Of which produce various subjective positions by regulating how ‘subjects’ think and feel; conceptualize themselves and others; and interact with the world (Ussher & Perz, 2019).

In the second edition of his book on the CDA approach, Norman Fairclough (2013) reaffirms the definition of the CDA by stating that it has “three basic properties: it is relational, it is dialectical, and it is transdisciplinary” (p.3). By ‘relational,’ Fairclough means that CDA is a ‘relational’ form of research in which its focus is directed towards social relations, rather than individual entities (Fairclough, 2013). These relations are then conceptualized as being ‘dialectical’ in nature, which is the primary factor in why CDA views discourse as being interconnected with other ‘objects’ (Fairclough, 2013; Harvey, 1996). Fairclough (2013) animates this concept when discussing how power and discourse are entirely separate social elements, though they are unable to be completely excluded from one another. In this sense, power cannot be reduced to discourse and vice-versa; yet “power is partly discourse, and discourse is partly power— they are different but not discrete” (Fairclough, 2013, p.4). Finally, since these ‘dialectical relations’ stretch across a variety of disciplines and require investigators to cross into different academic traditions— CDA is a fundamentally transdisciplinary research approach (Dijk, 2015). As a result of the centrality of transdisciplinarity to this form of analysis, CDA produces dialogues between schools of thought and the theories/frameworks they utilize to produce theoretical and methodological change within each individually (Dijk, 2015; Fairclough, 2013). In maintaining this transdisciplinary tradition, the theoretical framework I am utilizing within this project will draw together a variety of theories and approaches from several different fields of study to critically analyze a piece of literature that has clear real-world implications.

Why Did I Choose This Approach?

Often when one thinks of qualitative research, the image of in-depth interviews and long field-based expeditions comes to mind. Though these types of studies are undoubtedly prominent and important, they are limited in the conclusions they can draw in a study that emphasizes the historical construction of subject-formation as it relates to discourse surrounding the production of Indigenous and Disabled Identities. This is where more literary-based research comes into play, such as the CDA I am conducting. This approach enables me to examine how both past and current research, policy, and media have interpreted and produced ‘Disabled’ and/or Indigenous identities (Grue & Sherry, 2014; Russell-Mundine, 2012). Unlike other qualitative methodologies which draw conclusions from the data they collect/observe, I am interpreting how and why particular conclusions are made, as well as the purpose they serve (Atkinson et al, 2000; Patterson, 1997).

By focusing on discourse, I am more readily able to address the systemic forces of ableism and settler-colonialism that permeate all facets of Canadian life, including the political, educational, and academic institutions which produce said discourse (Mullet, 2018; Rogers, 2008; Rogers, 2011). The CDA approach enables me to do so by viewing discourse and language itself as ‘social practice,’ which has real-world manifestations and influences (Wodak, 2002). By utilizing critical discourse analysis as my methodology, I am also able to utilize a transdisciplinary approach, which is fundamental to this research project because of the need to utilize several different theories from differing areas of study (Fairclough, 2012; Rogers et al, 2005; Ussher & Perez, 2019). As well, it aligns with the general goal of inserting Indigenous perspectives and critiques of settler colonialism into the field of Critical Disability studies to enable more communication and collaboration between these fields (Ineese-Nash, 2020).

Therefore, my reasoning for choosing the CDA approach for this research study can be broken down into two motivating factors: the ethical implications of using CDA and my positionality as a researcher. By utilizing this approach, I can meet the ethical requirements for producing transdisciplinary and critical research, as well as address the ethical concerns associated with conducting research that revolves around Disabled and/or Indigenous people (Harding & Watson; Russell-Mundine, 2012). Particularly, as this method enables me to engage with issues surrounding disability, settler colonialism, and Indigeneity in a manner which is non-invasive. My intention is not to be extractive and replicate the harms produced by previous white, nondisabled, and male researchers who have looked at Disabled and Indigenous people as objects of study (Harding & Watson, 2013; Ineese-Nash, 2020; Russell-Mundine, 2012). Rather, I intend to read as an ethical mode of encounter which will enable me to distance myself from past harms in a manner that takes into account their impact and simultaneously allows me to confront their origin within academic discourse (Tuck & Yang, 2014).

Limitations

Though CDA is the most appropriate form of approach for this critical examination of the Ontario First Nations Special Education Review Report (Garrow, 2017), there are distinct limitations or areas of ambivalence that require attention. Widdowson (2004) brings several critiques when suggesting that CDA researchers fail to acknowledge the gap between the meaning intended by the addressor and the interpretation of the addressee, which is shaped by their external beliefs and prior knowledge. He adds that this gap has been impacted by the approaches’ fixation on ‘context’ and ‘discourse.’ Which are broad, ill-defined, and can lead to a “functional fallacy” (Hidalgo Tenorio, 2011), resulting from researcher bias or pragmatism. Widdowson’s (2004) critiques of this critical approach hale from previous practitioners’

hesitation to apply a critical attitude towards the practices they apply, methodological procedures they utilize, and the purpose of their inquiries.

Another apparent glaring limitation is the lack of traditional assessment measures for validity and reliability (Nguyen, 2014). Breeze (2011) while recanting past critiques brought towards the approach, suggests that this is a result of the lack of scientific rigor that stems from the secondary role of scientific criteria with CDA. They go on to suggest that “the whole scholarly project of CDA can be seen as heavily conditioned by political choice” (p. 501) and ultimately incapable of adopting any form of objectivity. Breeze (2011) suggests that though CDA researchers often make a point to explicitly state their political affiliations and intentions in a transparent manner, this does not remove the need for objectivity and replicability within their research. Thus, critiques of CDA suggest that without some type of adherence to a notion of objectivity, researchers who apply this approach are free “to misrepresent the data, or to interpret the data in any way he or she chooses for some particular political purpose” (p. 501).

I am skeptical of this particular limitation noted by critics of CDA, as critical theory is skeptical of the merits of scientific rigor and CDA centers the importance of recognizing our subjective positions (Fairclough, 2013; Harvey, 1996). In other circumstances of knowledge creation, such as in the case of qualitative and statistically driven research (I.e., questionnaires and Likert-scales), the notion of objectivity is valued. Within CDA, objectivity is instead disavowed as an impossible concept that only clouds the potential for insightful conclusions to be made and meaningful change to be produced (Mackay, 2017; Regmi, 2017). Therefore, though these concerns by critics may be valid when applied to more traditional research methodologies; they do not apply to this study because of the theoretical positioning outlined above.

Similar to critiques which spawn from its lack of adherence to principles of objectivity, CDA projects have generally been unconcerned with replicability due to the emphasis on the interpretations of the researcher; their positionality and political stances; and the pragmatic purpose of their research (Patterson, 1997). Though this is primarily a result of the need to apply skepticism to positivist approaches within critical research, it does intensify the potential for bias to impact analyses and for the researcher to skew their findings. As without standardization of the approach, the meta-language it utilizes, and distinction of the concepts and analytic models it uses; CDA will continue to be plagued by critiques from researchers who employ more traditional, standardized methodologies (Widdowson, 2004).

The final distinct limitation to the approach is its past “inability to put into practice its social-based ambitions” (Hidalgo Tenorio, 2011, p. 196). Though I am skeptical of the sweeping nature of this claim because there have been clear instances of practical change which have emerged from engagement with discourse; critics of CDA like Ruth Wodak (2016) claim that this leads practitioners of the approach to simply passively comment on injustices, without providing any practical applications (Wodak, 2006). Martin (2000) concurs with this assessment and asserts that the focus of CDA on literature/text that the researcher has a critical stance towards clouds the potential for social change. Rather, they suggest that researchers should also include and analyze texts that they find admirable.

In acknowledging these limitations, I am still confident in my decision to utilize the CDA approach. Though this methodology is very much poorly defined and does not lay out standardized guidelines for its application, the broad net it casts in regard to potential textual analysis at the micro, meso, and macro levels is necessary for the purpose of this project (Ussher & Perez, 2019; van Dijk, 1993). As well, the clear political goals of this project and its critical

ambitions justify the lack of traditional measures of reliability and validity. Particularly because adhering to the dominant positivist approach to research would be counterintuitive to the critical nature of this project (Patterson, 1997).

Since the intention of this project is to draw together theories from the fields of Critical Disability Studies, Settler Colonialism, Critical Race Theory, and Indigenous studies through my own critical thinking; it is acceptable to expect little opportunity for replicability as well. This, however, does not mean there is not any potential for other researchers to replicate my approach. For example, researchers who wish to replicate my approach can apply the same theories I have selected to a similar piece of discourse. Though their conclusions will undoubtedly differ, the approach is nonetheless similar.

It should also be noted that there is also substantial value in welcoming other interpretations of the report and the problems I pose within this study. Since my positionality and ontological framework are central to my analysis and impact the conclusions I draw, I expect those who do not share my positionality and viewpoint will draw different conclusions. If a multitude of people from various standpoints and differing ontologies engage with the problems I have highlighted, I am positive that more critical and revelatory conclusions can be made to spur more needed systemic change. As well, as more Canadians engage with issues connected to the history of settler colonialism on Turtle Island, the TRC's (2015a) call for all Canadians to "make a firm and lasting commitment to reconciliation to ensure that Canada is a country where our children and grandchildren can thrive" (p. 317) can be achieved.

In a similar vein, though past CDA research has been criticized for lacking practical applications and instead operating as criticism for its own sake, I believe this is not the case for most CDA projects; mine included. Since researchers who take on the CDA approach are

concerned with drawing together analysis at the textual, discursive, and societal levels; they inherently focus upon discourse that is related to important societal issues (Fairclough, 2013; Huckin, 2002; Lim, 2014; Rogers, 2008). My project is focused on applying a critical lens to the analysis of the Ontario First Nations Special Education Review Report (Garrow, 2017), which is a document that is intended to suggest recommendations that will be implemented by various government agencies and bodies and have distinct real-world impacts upon Disabled Indigenous people. By applying various critical theories in my analysis of this report, I am able to isolate potential shortcomings within the report and amplify the portions of the report which adhere to the principles outlined within the theories I have chosen. Clearly, there is potential for my project to have practical applications. However, they most likely manifest indirectly through motivating future researchers and/or policymakers to consider the concepts presented within each theory and my critiques when producing discourse about Disabled Indigenous people.

Previous Use of CDA in Literature

Within this section, I will provide two brief literature reviews regarding how Disability Studies and the field of Education have utilized CDA in the past. In each section, an overview of the utility of CDA will be provided. Also, I will provide a description/summary of two studies found within Disability Studies and three within the field of Education.

CDA in Disability Studies

The use of discourse analyses within Disability Studies is sparse, making the use of CDA even less prominent. Grue (2011) suggests that the field of Disability Studies, like the discourse analysis approach, has “been a way of opening new fields of inquiry, of producing new knowledge about human experience and altering, refining, or subverting old truths” (p. 533). However, they also note that disability has yet to become a major topic of interest within

discourse-based research and Disability Studies has been slow to adopt a discourse analysis approach. Grue (2011) goes on to acknowledge that though Disability Studies has only just begun to apply discourse analysis approach to a significant degree, there are particular subjects that are heavily discourse focused; as which is highlighted in Grue and Sherry’s (2015) work titled “Why discourse analysis? Disability and language.” According to Grue (2011), these subjects can be broken up into four strains: those who criticize the social-models hegemony within Disability Studies; those who adopt a Foucauldian approach and focus on the history of institutionalization and medical practices; those who conduct intercultural investigations into disability through anthropological lenses; and those who analyze cultural discourses of disability which manifest within media and art (Grue, 2011). In recognizing that much of Disability studies is heavily discourse-based and the discourse analysis approach is relevant to their inquiries; I will now discuss two Disability Studies projects which have applied CDA.

Nunokoosing & Haydon-Laurelut (2010) applied CDA whilst investigating the details on referral documents that were sent to a Community Learning Disability Team because of ‘challenging behaviour’. Within their paper, the authors suggest that these referrals written by residential service providers for individuals who experience ‘learning difficulties’ “constitute sites where [the] contemporary discourse of intellectual disability are being constructed.” Through investigating the broad question of what these referrals contained in regards to discourse on disability, Nunokoosing & Haydon-Laurelut (2010) ended up raising more questions than they answered.

For an eighteen-month period, the researchers collected and analyzed line-by-line each referral labelled with ‘challenging behaviours’ (59 in total; Nunokoosing & Haydon-Laurelut, 2010). Informed by CDA, Nunokoosing & Haydon-Laurelut (2010) viewed each referral as

discourse that has “consequences for selves, relationships, and morality” (408). Through this, they asked, “how relations of dominance and control are being reproduced in referral texts” (408). This inquiry led to the identification of two central themes: “Surveillance & Mortification and Surveillance & Routinization” (p. 409). Essentially, the researchers identified that the referrals did not lead to positive outcomes for the individuals experiencing ‘challenging behaviours;’ rather, they lead to them being hyper-surveyed, isolated from staff/support, and inserted into a highly regimented routine with little autonomy. The emergence of these themes within the analysis lead Nunkoosing & Haydon-Laurelut to conclude that these referrals do exist as discourse, however, they are discourse that contributes to medical model understandings of disability and the ongoing systemic oppression Disabled people face.

Within Priyanti’s (2018) study, the goal was to deepen their understanding of the representation of Disabled people within Indonesian newspapers. The secondary aim was to understand how disability is constructed linguistically within *The Jakarta Post* specifically. As such, Priyanti’s (2018) research question revolved around how media discourse within Indonesia represents disabilities and Disabled people. As Priyanti (2018) explains, the CDA approach was selected because of its emancipatory potential and flexibility to jump between close-textual analysis and larger societal thinking.

To explore their research question, Priyanti (2018) selected articles from *The Jakarta Post* which discussed disability and/or Disabled people from the year 2013 to 2014. The author notes that *The Jakarta Post* was previously hailed by readers as one of the most ethical newspapers and is geared towards a wealthy, well-educated, and often Westernized population. Despite these previous acknowledgements of ethicality, Priyanti (2018) finds that Indonesian

mass media highly adheres to the medical and charity models of disability. Of which views disability as inherently deficient and Disabled people as objects of care.

CDA in Education Research

As a quite prominent site for the application of discourse analyses, the field of Education was quick to adopt CDA as a means “to make sense of the ways in which people make meaning in educational contexts” (Rogers et al, 2005). A review by Rogers et al (2005) of CDA within Education research found this approach is applied to both formal (i.e., classrooms) and informal (i.e., museums) sites of education. They also found that CDA was utilized to analyze the production, interpretation, and utility of several types of educational policy and material (I.e., textbooks). With this in mind, CDA in Education has been applied to a substantial number of inquiries and has been utilized to analyze a wide range of issues (Grue & Sherry, 2014; Lim, 2014; Peace, 2003; Rogers et al, 2005; Tate, 2003; Thomas, 2002; Young, 2000). As I will discuss in the three studies I will feature, this approach has been utilized to critique how teaching curricula maintain the neoliberal agenda and embeds class bias (Lim 2014); analyze how homeschooled adolescent boys interpret masculinity while participating in critical literacy activities (Young, 2000); and interpret how official legislative documents sustain asymmetric power relations with special education students and subjugate them through the process of normalization (Liasidou, 2008).

Lim’s (2014) article undertakes “a critical discourse analysis of the professed aims and objectives of the most influential curricula in the teaching of thinking” (p. 61). Within, they seek to illuminate issues regarding power and ideological assumptions within curricular discourse on rationality and thinking. Most prominently in regards to how this curricular discourse reproduces

political and class-based biases, which benefit neoliberal ambitions/goals. Thus, Lim (2014) asks the questions:

What political and ideological agendas frame our curricular discourses of thinking? Which forms of thinking count as ‘official knowledge,’ which forms are omitted/silenced, and relatedly, which (and whose) forms of thinking qualify as ‘skills’? How are the interests of particular social classes served by such forms of thinking? How do discourses of thinking generate new (social) subjectivities and epistemological shifts? and how do these construct our common-sense understandings of rationality and the rational actor? (p. 62)

To explore these questions through their examination of the *Think Skills* document, Lim (2014) applied a dual-levelled analysis. The first is a textual analysis of the document to understand “how the text’s language features...provide ideological structures for the knowledge/beliefs, social relations, and social identities of participants in the discourse” (p. 63). While the second phase goes beyond the text to situate the analysis of the document in conversation with broader institutional ideologies and societal practices. Upon completing their two-step analysis, Lim (2014) concludes that documents like *Thinking Skills* “do not simply involve the learning of specific sets of intellectual skills; they systematically embody the value and dispositions necessary for the continued expansion of dominant social groups and the perpetuation of their ideologies” (p. 73).

Young’s (2000) article titled *Boy Talk: Critical Literacy and Masculinities*, set out with the purpose “to describe, interpret, and explain the changes in four young adolescent boys’ awareness of how masculinity constructs and is constructed by texts— written and spoken.” (p. 312). The study sought this out by applying critical literacy practices to conversations and activities surrounding the topic of gender to lead participants to question their previously held

notions regarding masculinity. Also, it encouraged the participants to become aware of how conceptualizations of masculinity are normalized and regulated through discourse (both written and spoken).

Within this inquiry, Young (2000) raised the research question: "How do critical literacy activities within a home-schooling setting sustain or transform the participants' awareness of gender identities and inequities in texts?" (p. 312) To explore said question, four adolescent boys were pulled from public school to participate in an eighteen-week thematic, inquiry-based program which embedded critical literacy activities into lessons on reading, writing, and social studies. Upon concluding the program, Young (2000) conducted a CDA of the audiotapes and transcripts of the boys' participation. This allowed them to analyze how the "boys' local interactions interrelated with their personal knowledge, beliefs, values, and assumptions" (p. 319). As well as how larger institutionalized social practices regarding family, school, and class impacted these local interactions and beliefs. Upon completing the analysis, two major themes emerged. Of which are: instability and uncertainty regarding the participants' gender identification, and the substantial impact of power relations on the local, institutional, and societal level on both the awareness of gender identities and the effectiveness of critical literacy activities (Young, 2000).

Finally, Liasidou's (2008) article intended to investigate how fragmented and contradictory inclusive education policy documents in Cyprus prevent the emergence of actual inclusive discourse. They employ CDA as a tool to "destabilize the authoritarian discourses entrenched in educational policy agendas" and "expose the power/knowledge grid and its subjugating attributes" (p. 483). The aim of the study is to answer three primary research questions:" In what ways does the legislative document construct and sustain asymmetrical

power relations? In what ways are children with SEN constructed and positioned? And in what ways are children’s human rights silenced?” (p. 483).

In an effort to investigate these research questions, Liasidou (2008) applies the CDA approach whilst analyzing recent legislative documents that “proclaimed the rights of children ‘with’ SEN (Special Education Needs) to be educated in mainstream settings alongside their peers” (p. 489). Within their analysis, the rhetorical proclamation of the legislative documents is proven to be ill-intended and littered with practical fallacies which run counter to the goals of inclusive discourse. As such, it is concluded that “special education policymaking is inevitably implicated within an intricately complicated network of power relations whereby disabled children are subjugated to the ‘normalizing judgement’ of normalization, in the function of the modern disciplinary power” (p. 494).

Analysis

Through conducting a Critical Discourse Analysis of the Ontario First Nations Special Education Review Report (Garrow, 2017), I drew four distinct conclusions regarding language, disability, and the impacts of settler colonialism. Specifically, these conclusions emerge from the terminology/language used in the report; the use of disability discourse (or lack thereof); the presence and pervasive impact of Anti-Indianism (Cook-Lynn, 2001), the Logic of Elimination (Wolfe, 2006), and Debility (Puar, 2017); and the overall focus of the recommendations. Within this analysis section, I will begin by specifying my findings then follow by unpacking how these conclusions were drawn through the subsections named: Defining Key Terminology, Reading Through Theory, and Effectiveness of Recommendations.

Findings

The first conclusion I gathered through my CDA of the Ontario First Nations Special Education Review Report (Garrow, 2017) was that disability discourse was not readily adopted by the authors of the report. This apprehension to utilizing disability discourse is largely a result of the history of colonialism and ongoing presence of settler colonialism within the Canadian nation-state. As well as a need to center and valorize Indigenous ways of knowing and being. Though with that said, it can also be attributed to a general wariness of colonial/Eurocentric understandings of ability and development, as they have been used to pathologize Indigenous identities and justify their elimination (Greensmith, 2015; TRC, 2015c).

Through applying Puar's (2017) concept of Debility, I built upon this first finding to also conclude that the historical and ongoing presence of Debility prevents Indigenous people who experience disability from adopting the liberal identity of 'Disabled'. And as such, this contributes to the report's aversion to participating in Disability Studies discourse and the

identity-first language it advances. In connection with the underlying impacts of Debility, Crip Nationalism is also an ever-present force tied to colonial views of disability. By engaging with Puar’s (2017) ideas whilst reading Garrow’s (2017) report, I drew my third conclusion that if Crip Nationalism is not addressed and safeguarded against; the application of more colonial-informed special education systems (i.e., diagnoses, evaluations, and interventions) could potentially result in further debilitation for First Nations who experience disability and their communities (McRuer, 2010; Snyder & Mitchell, 2010). Of which will be caused by the colonial and medicalized discourse which informs special educational practices (Parekh & Brown, 2019).

Finally, the last major conclusion I found was that addressing the systemic issues regarding funding, resource access, and self-determination are the most important aspect of the report because of the historical and continued injustices that occur within First Nations education. These injustices, of which, emerged from the historical and current presence of anti-Indian sentiment within Indigenous [special] educational policy and the logic of elimination which it enables (Cook-Lynn, 2001; Wolfe, 2006). Though this focus of the report in some regards prevents the inclusion of more critical recommendations which could improve the lived experiences of Disabled Indigenous people, addressing these structural and economic issues will enable First Nations/Indigenous people to continue building (and reclaiming) their own discourse surrounding disability. Of which can then be produced without the influence of colonial institutions and epistemologies.

Defining Key Terminology

To begin analyzing the Ontario First Nations Special Education Review Report (Garrow, 2017), it is important to define the key terminology used within the report. Most prominently I will emphasize/focus on the rhetoric used when discussing disability and Indigeneity. Within the

report, the term ‘special needs’ is utilized to describe students who participate in the special education system. This term is used to replace other more socially appropriate terms, such as neurodivergent or Disabled; as well as people-first language like children with disabilities. Alongside this, the term First Nations is explicitly used when discussing Indigenous children with recognized ‘Indian’ status in Canada.

Throughout this section, I will analyze why the terms ‘special needs’ and First Nations are used explicitly and intentionally within the report. As well, I will explore why the terms may be necessary because of the intention of the report, though generate different discursive events depending upon the perspective/lens one is applying (Fairclough 1993). To do this, I apply Fairclough and Wodak’s (1997) conceptualization of discourse which defines it as “a form [of] social practice” (p.258) that demands the consideration of contextual factors. And in doing so, I will animate the tension between Indigenous communities, Disability Studies, and the settler-colonial society of the Canadian nation-state.

Disability Rhetoric: Special Needs

Within the report, the term ‘special needs’ is used as an umbrella term to refer to children who need special educational support. Under this umbrella term are children/youth who could potentially be experiencing a variety of different disabilities or impairments, including physical disabilities (i.e., Cerebral Palsy) and intellectual/developmental disabilities (i.e., Down syndrome). As well it also describes those students who may be neurodivergent (i.e., experiencing Autism or Attention-Deficit/Hyperactive Disorder), or those who experience learning disabilities (i.e., dyslexia) and/or mental health conditions (i.e., behavioural/mood disorders). In many respects, the term ‘special needs’ is used as a catch-all phrase which

categorizes a variety of different people together under their shared ‘need’ for extra support outside of what would typically be provided for nondisabled or neurotypical people.

Since the 1970s, euphemisms for disability like ‘special needs’ have grown increasingly popular (Germisnacher et al, 2016). A study by Germisnacher et al (2016) attempted to chart the use of the term ‘special needs’ from the 1900s to the early 2000s by using Google’s NGram count and found that “over a million scholarly articles with the term *special needs*, and Amazon.com sells nearly 5000 books with the euphemism *special needs* in their title” (p. 2). The origin of the term ‘special need’ as a disability euphemism is not clear, though scholars like Guralnick (1994) and Shapiro-Lacks (2013) have attempted to map it. Guralnick (1994) proposed that the term grew in greatest prominence during the 1980s as many questionnaires and informative pamphlets for parents with ‘handicapped children’ were changed to ‘children with special needs’. Shapiro-Lacks (2013) on the other hand, suggests that the term truly emerged and was popularized by the founding of the Special Olympics and the implementation of special education in more schools in the United States; both of which took place in the late 1960s and early 1970s.

The major issue with the use of euphemisms for describing Disabled people is that often these terms were developed by nondisabled people and downplay the significance of being ‘Disabled’ (Tichkosky, 2001). As well, alternative terminologies for disabilities often do not hold any legal meaning and therefore, cannot be used when referencing legislation or policies which outline the rights of Disabled people (Jongbloed, 2003). Within Disability Studies, terminology like ‘special needs’ or ‘differently-abled’ is often disregarded as ableist attempts to delegitimize the centrality of experiences of disability in the lives of Disabled people. This type of terminology is also a spin-off and more ‘politically correct’ (or perhaps politically palatable)

version of people-first language, such as people with disabilities. This of which has also been disavowed by a substantial portion of Disability Studies scholars/advocates because it is counter-intuitive to the Social and Sociopolitical Models of Disability which view Disabled people as a distinct group of people who deserve recognition and collective rights (Scotch, 2000). Many Disability advocates “argue adamantly against using the euphemism special needs” (Gernsbacher et al, 2016, p.3) because it is deemed patronizing, inappropriate, and distancing (Kailes, 2010; Gernsbacher, 2017). Also, it is seen as a condescending term promoted by paternalistic ‘do-gooders’ who lack the awareness of the dehumanizing nature of being deemed ‘special’ because of physical, developmental, or intellectual differences (Linton, 1998).

Pushing up against the discourse surrounding the rhetoric of disability in Disability Studies, the field of special education utilizes the term ‘special needs’ as shorthand for ‘special educational needs.’ Similar to how the term is used within the report, special education discourse uses it to refer to students who experience disability, ranging from mild to profound, which alter their ability to learn within a ‘typical’ setting and/or delay their learning in comparison to their similar age peers. Often the term comes into play once a child is formally diagnosed or once they receive an Individual Education Plan (IEP), as is shown in *Special Education in Ontario, Kindergarten to Grade 12: Policy and Resource Guide* (Ontario, 2017). Within the framework, ‘special needs’ is stated 25 times and used to refer broadly to describe students who are afforded special educational services, as well as dictate what is deemed a ‘special needs’ service (i.e., equipment, alternative transportation). Alongside ‘special needs’ is the more recently adopted term ‘exceptionalities’ or ‘exceptional students.’ Which has largely replaced ‘special needs’ as the new preferred disability euphemism in [special] education discourse. Though in some respects ‘exceptionalities’ is less patronizing than being labelled as ‘special needs’ and may

more accurately describe some students, such as those with mild learning disabilities or those labelled as ‘gifted’, it is largely a re-branding of the term which preceded it and perpetuates the ableist apprehension of adopting the term ‘Disabled (Linton, 1998).’

Within the Ontario First Nations Special Education Review Report (Garrow, 2017), it seems evident that there is three motivating reasoning for choosing to use the term ‘special needs’. First, since this document is made up of recommendations that are to be implemented by the federal and provincial governments; language which they are familiar with and have applied in the past to legislation/policies must be used. The second reason for utilizing the term ‘special needs’ in the place of terminology like Disabled, neurodivergent, or ‘with disabilities’ is the general apprehension amongst Indigenous communities to adopt colonial rhetorics— especially those framed by Eurocentric perspectives regarding ability (Hutcheon & Lashewicz, 2019; Ineese-Nash, 2020; Phillips, 2010). And finally, the third and perhaps most speculative reason is that the use of the terms ‘special’ and ‘needs’ does not necessarily reference disability or any impairment. Rather, it allows for Garrow (2017) and his contributors to center Indigenous ways of understanding ability and developmental difference as individual uniqueness, which deserves to be acknowledged, accommodated, and celebrated.

Familiar Legislative Language. To some degree, it would have been more appropriate for the Ontario First Nations Special Education Review Report (Garrow, 2017) to use the term ‘exceptionalities’ rather than ‘special needs’, as this is the most prominent terminology used within special education discourse in Ontario and Canada. However, since the report was initially conceptualized in the late 2000s, was written over several years, and was geared towards past policies/frameworks that have now been replaced; it can be speculated that ‘special needs’ may have been a more prominent term at the time. As well, since the term is still commonly used

within special education discourse and the subsequent policies which they inform; its use is appropriate and clearly states who the report’s recommendations are supposed to benefit (i.e., First Nations children with special needs).

As mentioned previously, though the terminology of ‘special needs’ and ‘exceptionalities’ may be well-intended niceties, “they convey the boosterism and do-gooder mentality endemic to the paternalist agencies that control many disabled people’s lives” (Linton, 1998, p. 14). Special education; being one of these paternalist agencies. I suspect that it was not Garrow (2017) and his team’s intention to reflect the ‘do-gooder-ness’ Linton (1998) described; rather, they were more likely spurred by the reasons mentioned above. However, regardless of the reasoning, the strategic use of the term ‘special needs’ to describe Disabled First Nations students is clear and it must be recognized alongside its potentially harmful effects.

Apprehension to Colonial Rhetoric. This deliberate choice to choose the term ‘special needs’ over other disability terminology, such as ‘Disabled,’ is most likely a result of the general apprehension amongst First Nations and Indigenous people to adopt colonial rhetoric (Hutcheon & Lashewicz, 2019; Ineese-Nash, 2020; Phillips, 2010). Though within activist circles and the field of Disability Studies the term ‘Disabled,’ and identity-first language may be the preference, Indigenous people who experience disability have often not been adequately included within the discourse that emerges from these spaces (Annamma et al, 2013). As well, though the label of ‘Disabled’ is used in a manner to call attention to the collective rights of Disabled people and center the experience of disability within their lives; Indigenous peoples are also in a separate (though inherently connected) struggle to have their collective rights recognized and have their indigeneity centred (Ineese-Nash, 2020). Therefore, through adopting a label which is founded upon a colonial understanding of ability and difference, Indigenous people who experience

disability may feel as if they are delegitimizing their Indigenous identity. As well, this feeling of delegitimization may also emerge from the community; as some Indigenous community members may feel as though adopting a colonial label, they are reaffirming colonial and white supremacy.

Compounding this, the history of colonization within the Canadian nation-state has been rife with the pathologization and dehumanization of Indigenous people (TRC, 2015a). Through this pathologization and dehumanization, Wolfe’s (2006) notion of the Logic of Elimination and Cook-Lynn’s (2001) Anti-Indianism are able to come to fruition and be legitimized by the racist and ableist ideology of eugenics. Though the ideology of eugenics is viewed as being largely directed towards Disabled people because of an assumption of deficiency and deviancy, it also justified a variety of racist and colonial ideologies which shaped the political landscape of North America (BIT Projects, 2020; Hutcheon & Lashewicz, 2019; Kelly et al, 2021). Through this, eugenics was used as a means to dehumanize all people who were not considered white (Western European specifically), male, heterosexual, and nondisabled; including the Indigenous people of Turtle Island (Rice & Kelly, 2021). Indigenous people have worked tirelessly to free themselves from the colonial rhetoric placed upon them and maintain their sovereign identities (Greensmith, 2012). With that considered, it does not seem too unreasonable to assume that Indigenous people are apprehensive about adopting labels produced by non-Indigenous people, regardless of the emancipatory and political intentions (Ineese-Nash, 2020).

Difference as Individual Uniqueness. Indigenous way of knowing and being are often built around a notion of collectivity, unlike the Eurocentric-settler society of Canada society which is molded by ideas of individuality (Battiste, 2013; Daschuk, 2019). Settler understandings of disability, both the Medical Model and Social Model, are also based upon

these ideas of individuality, though they differ slightly (Oliver, 2013; Shakespeare & Watson, 2001). Through the Medical Model of Disability, Disabled people are seen as burdensome and ‘individual tragedies’ that the individual must face alone. Though drastically different, the Social Model of Disability enshrines individuality as well, but it does so along the lines of rights and individual recognition (i.e., Disabled people are a unique class of people who deserve collective rights). As a result of this, these models of interpreting disability inherently conflict with Indigenous ways of knowing and being.

Due to this conflict, Garrow’s (2017) use of the term ‘special needs’ may seem more understandable and palatable, as through avoiding the term ‘Disabled’, the report can distance the First Nations students they are discussing from colonial labels. As well, they are able to discuss the very real and unique needs of these students without associating them with a colonial understanding of ability— which categorizes individuals through a binary of dis/abled (Annamma et al, 2013). By diving into the semantics of the term ‘special needs’ and breaking the phrase down, Garrow’s (2017) intention regarding the use of the term becomes far clearer. By utilizing the term ‘special’, Garrow centred the idea of uniqueness and escalated this uniqueness to a level of reverence. By using the word ‘needs’, Garrow (2017) also reaffirms that these individuals have unique needs; just as we all do.

Drawing on Ron Phillips’ (2010b) interviews with Indigenous elders regarding their perspectives on ‘exceptionalities’, it would seem as if Garrow shares their perspectives on Disabled students. In interviewing several elders at an academic symposium, Philips (2010b) concluded that through an Aboriginal (Indigenous) worldview of students with ‘special needs’, these students would traditionally be conceptualized as having special gifts from the creator that must be nurtured, recognized, and celebrated. Despite feeling somewhat reminiscent of the

patronizing tone of being labelled as ‘differently-abled’, these ‘gifts’ the elder’s reference does not refer to the presence of neurodivergence or an impairment. Instead, they are drawing attention to the unique traits/characteristic found within each child, particularly “all children come into the world with special gifts “(p. 68). As such, though this claim is highly speculative because there is no clear reasoning for the terminology within the report, one could wager that since the First Nations Special Education Review Report is produced by (primarily) Indigenous contributors and aligns itself closely with Indigenous worldviews, this use of the term ‘special needs’ may seem more reasonable. Despite the negative connotations associated with disability phrases and euphemisms like it within Disability discourse. despite its negative connotations within Disability discourse.

Indigenous/Colonial Rhetoric: First Nations

Mentioned 38 times within the report, the term ‘First Nations child/children’ is explicitly used to refer to Indigenous children who are members of recognized (under the Indian Act) Indigenous bands within Canada (Garrow, 2017). Over the past several decades, ‘socially appropriate’ terminology for Indigenous people across the world, and on Turtle Island, has changed several times. Initially, all Indigenous people residing on Turtle Island were labelled as Indians, as this was the terminology popularized by Christopher Columbus and the European ‘explorers’ who came after him (Battiste, 2013; Grande, 2004). Following the development of the Indian Act in 1876 and the exclusion of Metis and Inuit people, the term ‘Indian’ only encompassed Indigenous Bands that were considered ‘status’ or ‘treaty’, which was decided in an arbitrary, ill-defined manner and was routed in the colonial ambitions of future enfranchisement (TRC, 2015a; TRC, 2015c). Though the term ‘Indian’ holds distinct legal connotations and is connected to the collective rights afforded to people and communities who

find themselves labelled under this term, it is embedded within a dark history of colonialism and does not accurately represent the people it is supposed to define (Cook-Lynn, 2001; Grande, 2004). Therefore, in 1980 during a gathering of hundreds of Chiefs in Ottawa, the term First Nations was used for the first time in their *Declaration of the First Nations* (Gadacz, 2006; Turner, n.d.). Following this in 1982, many of those same Chiefs who were members of the National Indian Brotherhood formerly changed their organization’s name to the Assembly of First Nations to match up with their efforts at reclaiming control over their naming/labelling.

Though only mentioned in the title of the declaration, the term First Nations can be assumed to have been chosen because of the three following phrases present within the declaration: “We the Original people of this land know the Creator put us here” (Turner, n.d., p. 1), “The Creator has given us the right to govern ourselves and the right to self-determination” (p.1), and “The rights and responsibilities given to us by the Creator cannot be altered or taken away by any other Nation” (p.1.). Through these three lines, the Assembly of First Nations asserted their status as the “Original People” (p.1) of Turtle Island, as well as reaffirmed that the inherent rights and responsibilities granted to them through this indigeneity “cannot be altered or taken away by any other Nation” (p.1). In addition, their emphasis on the Creator-granted right to self-determination and self-governance harkens back to the previous nation-to-nation commitments/agreements made between various Indigenous groups and colonial entities (i.e., the Crown or the federal government of Canada) (TRC, 2015a).

Shortly following the development and adoption of this term by First Nations communities and organizations, the *Constitution Act* of 1982 was released (Branch, 2015). Within this act, the Canadian Charter of Rights and Freedoms is outlined and a new terminology was proposed by the Canadian nation-state to describe Indigenous people: Aboriginal. Within the

Constitution Act, the term Aboriginal is defined as encompassing the three distinct groups of Indigenous people in Canada: the Metis, the Inuit, and the ‘Indians’ (Branch, 2015). Though potentially being a result of the close release date of the *Declaration of the First Nations* and the *Constitution Act*, the term First Nations is not stated even once and implies that the Canadian government did not respect the preferred terminology of First Nations people. Exacerbating this assumption of disregard, the new terminology of Aboriginal utilized by the government again creates the same problem as the term ‘Indian’, as Aboriginals typically refers to the Australian Aboriginal peoples (excluding Torres Strait Islanders; Spirits, 2021).

As the decades passed, the term First Nations slowly replaced the term Indian in subsequent policy documents and commitments. However, though there were instances of symbolic use of the term, Indian was (and still is) the legal term used to describe First Nations because of the ongoing hegemony of the Indian Act (Branch, 2019). As well, the term First Nations was often displaced by other terminology which encompasses all Indigenous people within what is called Canada. An example is the aforementioned term, Aboriginal, which 4 years after Canada voted against the United Nations Declaration on the Rights of Indigenous People (UNDRIP), was used to replace the term ‘Indian’ in Indian Affairs and Northern Development (UN (United Nation), n.d.). Thus, changing the organization to Aboriginal Affairs and Northern Development in 2011 (Canada, 2012; Derworiz, 2008).

A similar change to the name of the federal department occurred again in 2015 as the term ‘Indigenous’ grew in prominence, particularly in international settings (i.e., UNDRIP) and activist circles. This change resulted in the development of Indigenous and Northern Affairs, and the subsequent splitting of the department into Crown-Indigenous Relation and Northern Affairs and Indigenous Services in 2017 (Derworiz, 2008). Though many First Nations people identify

with the word Indigenous, and some First Nations communities have expressed publicly/politically that they prefer to be referred to as Indigenous people; there are issues regarding pan-indigenizing (Joseph, 2022). Particularly as the use of the term Indigenous on the international stage refers to Indigenous people throughout the world and undermines the unique legal status of First Nations people within Canada (Peters & Mika, 2017)

Having now recanted the discourse surrounding the various terminologies used throughout history to refer to Indigenous people with the Canadian nation-state, it seems much more obvious why the First Nations Special Education Review Report intentionally utilized the term First Nations. The first major reason is likely that by using the term First Nations instead of Indigenous or Aboriginal, the authors/contributors push back against the colonial rhetoric which is placed upon them by the settler colonial government of Canada. As discussed above, the term First Nations was developed by and implemented by First Nations people in Canada. This is unlike the other terminology used to refer to First Nations people throughout history, as they were historically thrust upon them without any consideration. Even the use of the term Indigenous was not necessarily spurred by or called for by First Nations people. Rather, it was mainly a result of political pressure from other nations on the global stage (many of which are settler-colonial or post-colonial nations) and the United Nations (Peters & Mika, 2017).

In addition to allowing for the report to push against colonial rhetoric, the use of the term First Nations also emphasizes the importance of addressing issues between First Nations and the Canadian government on a “nation-to-nation basis” (Garrow, 2017, p. 1). Within the name, First ‘Nations’, the importance of recognizing the special legal status and sovereignty of these Bands/Nations is centered. Through the Indian Act, First Nations were viewed as wards of the state who required control and direction (McCue, 2020b). To counteract this assumption and

designation, the *Declaration of First Nations* by the Assembly of First Nations states that First Nations are guided by the laws of the Creator and have an inherent right to self-determination through self-governance (Turner, n.d). Therefore, by utilizing the term First Nations within the report, Garrow (2017) and his team can draw upon the intention of the declaration and perpetuate the idea of First Nations as sovereign entities, or in other words, nations.

The final reason that the term First Nations is utilized is because of its association with the unique legal status of First Nations people within the Canadian nation-state. Though the term First Nations does not hold legal distinction like the term Indian, it is utilized within policy documents and has traditionally been used to replace it (Canada, 1999; Indigenous Foundations, 2009). Within current Indigenous Services Canada (ISC) programming, the term First Nations is used when referring to funding and programs provided to status and treaty communities (Canada, 2012). Although the ISC is now responsible for Metis and non-status Indigenous people through the supreme court decision regarding Daniels V Canada, First Nations people are still explicitly stated as being their own unique group of people (Canada S.C, 2016). Thus, it is appropriate for the report to utilize terminology which is consistent with current policies and frameworks. First and foremost because it will ensure that the government entities which are viewing the report’s recommendations are able to clearly identify what group of Indigenous people in Canada are being discussed. But also, because it will prevent any ambiguity regarding whose educational system should be modified and who should benefit from these recommendations. As historically, the appearance of any ambiguity has been capitalized upon by the Canadian government and ultimately led to further inaction (Battiste, 2013).

Reading Through Theory

Applying Critical Frameworks

In applying the critical frameworks of Brayboy’s (2005) TribalCrit and Annamma et al’s (2013) DisCrit while reading the Ontario First Nations Special Education Review Report, several points of conformity and conflict with their tenets emerge. The report primarily does focus heavily on the impacts of colonialism on First Nations education, both historically and presently. As well, it acknowledges the political, racial, and sovereign identities of First Nations people. In centring the sovereign and political identities of First Nations people, the report subsequently utilizes Indigenous ways of knowing to inform its recommendations. Though this arguably beneficial, it does leave a level of ambiguity when disability discourse is involved. Particularly regarding the rhetoric used to discuss disability and the general omission of Disabled Indigenous representation within the report. Nevertheless, despite this tension with disability discourse, the Ontario First Nations Special Education Review Report (Garrow, 2017) is geared toward practical changes that is “feasible and necessary” (p. 29). Therefore, to organize my use of TribalCrit (Brayboy, 2005) and DisCrit (Annamma et al, 2013), I will break down my application of these frameworks into three sections: Colonization, Ableism, and Canadian Educational Policy; First Nations Sovereignty and Ways of Knowing; and Action and Practical Change.

Colonization, Ableism, and Canadian Educational Policy. In regard to the tenets involved in the critical frameworks, the report aligns the most to tenets one through four and six from TribalCrit (Brayboy, 2005), and tenant one from DisCrit (2013). To begin, tenets one, two, and six of TribalCrit focus upon the “endemic” (Brayboy, 2005, p. 429) nature of colonization, imperialism, and white supremacy in colonial society and policies. As well, they acknowledge

that colonial societies are obsessed with and built upon a desire for material gain that motivates the problematic goal of assimilation. Within Garrow’s (2017) Ontario First Nations Special Education Review Report, the colonial past of First Nations [special] educational policy is intertwined.

Though the words ‘colonial’ and ‘colonization’ are only mentioned four times, the presence of past “colonial approaches” (p. 58) and their tendency to “continue to result in systemic racism” (p. 58) is acknowledged and challenged. For example, the “Guarantee of Adequate and Equitable Funding” (p. 35) section discusses a previous draft of education legislation that was seen as a benevolent effort at bettering First Nations education and proposed by the Conservative Harper government. The report goes on to frame this legislation as a continued “paternalistic and colonial approach to education that did not recognize First Nations control” (p. 36-37), despite its proposed intention. Thus, in acknowledging how the government cannot be trusted to produce equitable educational policies for First Nations, the report instead proposes a “binding legal guarantee of adequate funding” (p. 37) which “only governs what the federal government does” (p. 37) through recommendation ten.

Tenet three and four of Brayboy’s (2005) framework are connected to the previously mentioned three, though they focus on acknowledging the special “liminal space that accounts for both the political and racialized nature” (p. 429) of Indigenous identities. Additionally, they also direct attention toward Indigenous people’s “desire to obtain and forge tribal sovereignty, tribal autonomy, self-determination, and self-identification” (p. 429). In connection to tenets three and four of TribalCrit (Brayboy, 2005), tenet one of DisCrit also acknowledges the forces which impact Indigenous identities as it sets out to frame the “forces of racism and ableism [as] circulate interdependently, often in neutralized and invisible ways, to uphold notions of

normalcy” (Annamma et al, 2013, p. 11). This notion of normalcy prevents Indigenous ways of knowing from being valued and hinders the potential for Indigenous communities to exercise their sovereignty.

In the report, there is a consistent discussion of the unique legal status of First Nations communities and how this status both affords them particular rights, while simultaneously hindering their participation within aspects of the Canadian colonial society. This first mention of this begins with recommendation one, “Foundational Principles” (Garrow, 2017, p. 16), which highlights the inappropriate colonial relationship between Indigenous and Northern Affairs Canada (INAC) and the need for First Nations autonomy. Through past agreements, commitments, and policies; the principle of First Nations control of First Nations education has been adopted. However, through the presence of colonialism which spurred unequal treaties and legislation like the Indian Act (Branch, 2019); First Nations are often compelled to conform to the terms and conditions of INAC educational programs. Therefore, to acknowledge the “liminal space” (Brayboy, 2005, p. 429) that First Nations people occupy and emphasize First Nations’ desires for self-governance and autonomy, the first recommendation states First Nations should “have the opportunity to be completely freed from the terms and conditions of INAC’s education programs and...take full and complete control of First Nations Education, should they so desire” (Garrow, 2013, p. 17).

In contrast to emphasizing the positive aspects of the unique political status of First Nations communities, the report zeros in on how the settler-colonial society of Canada utilized First Nations status as a means to control First Nations participation. This interpretation of the unique political status of First Nations has been upheld by notions of normalcy, which are enforced through the forces of ableism, racism, and colonialism (Annamma et al, 2013;

Hutcheon & Lashewicz, 2019; Ineese-Nash, 2020). Specifically, recommendation two found within the section titled “Equality for Our Children with Special Needs” (Garrow, 2017, p. 17), recommendation twelve found within the section called “Guarantee Equality for First Nations Students in Provincial Schools” (p. 41), and recommendation fourteen in the “Advocacy and Appeals by First Nations” section, pay particular attention to the compounding, invisible impacts of these intertwining forces. The report does this by homing in on the fact that First Nations students, including those who experience disability, “graduate less often, drop out more often, and struggle in school in far greater numbers” (p. 17) than their non-Indigenous peers (recommendation two). As well as recognizes that First Nations students who experience disability are often not provided with the same special educational support and/or potential for parental involvement as their non-Indigenous peers at provincial schools. This is largely because of their status as First Nations and interpretation as ‘wards’ of the federal government; rather than provincial citizens (recommendations twelve and fourteen).

First Nations Sovereignty and Ways of Knowing. Within the report, the unique political identities of First Nations as sovereign entities are centred and Indigenous ways of knowing are spotlighted. In doing this, tenet five, “the concepts of culture, knowledge, and power take on new meaning when examined through an Indigenous lens” (Brayboy, 2005, p. 429), and tenet seven, “Tribal philosophies, beliefs, customs, traditions, and visions for the future are central to understanding the lived realities of Indigenous peoples” (p. 429), of TribalCrit, are acknowledged. Most prominently, Indigenous ways of knowing regarding development and ability are evident within this report because of the apprehension to adopt disability discourse, the labels associated with it, and the identity first-language that is often preferred. Though this is

understandable when reading the report through a TribalCrit (Brayboy, 2005) lens, it is problematic when using the critical perspective found in DisCrit (Annamma et al, 2013).

Within the tenets of DisCrit (Annamma et al, 2013), tenets two and four focus on the importance of “multidimensional identities” (p. 11) and privileging the “voices of marginalized populations, traditionally not acknowledged within research” (p. 11). Undoubtedly, the Ontario First Nations Special Education Review Report (Garrow, 2017) privileges the traditionally marginalized opinions of First Nations people. However, by focusing on the perspectives of the First Nations communities as a whole, those with multidimensional identities, particularly Disabled Indigenous/First Nations people, go unacknowledged. This is clearly problematic and leaves the report open for criticism, though, when drawing upon tenets five and six of DisCrit (Annamma et al, 2013), it is understandable why this occurred. Though DisCrit “privileges voices of marginalized populations,” particularly Disabled folks with intersectional identities, the framework also “recognizes whiteness and Ability as property” (p. 11) and that many of the historical gains of Disabled people have been contingent upon this whiteness. As well, the framework acknowledges that the “legal and historical aspects of dis/ability and race... have both been used separately and together to deny the rights of some citizens” (p. 11). Thus, because of the impacts of whiteness on disability discourses and the historical use of Eurocentric understandings of development/ability to dehumanize Indigenous people; it becomes clearer why the report did not outright involve Disabled Indigenous perspectives or trouble the singular notion of the First Nations identity.

Action and Practical Change. A vital component of the Ontario First Nations Special Education Review Report (Garrow, 2017) was producing real, practical, and systemic change within the First Nations Education system, with a focus on the special education sector. The

report sought to spur this change by providing recommendations that were comprehensive, holistic, and encompassed a variety of issues that revolve around the identification, service, and education of Disabled Indigenous children and youth. The report also provided recommendations that addressed the chronic underfunding of First Nations communities and the unequal power dynamic between First Nations communities and the Canadian governments (federal and provincial). This significantly contributes to the exacerbating impacts of ableism and colonialism that negatively impacts the Disabled Indigenous youth, their families, and their communities (Hutcheon & Lashewicz, 2019; Soldatic et al, 2013).

Utilizing the tenets of TribalCrit and DisCrit, it is clear that the report conforms to the last tenet of each framework. Specifically, tenet nine of TribalCrit, which states that “theory and practice are connected in deep and explicit ways such that scholars must work towards social change” (Brayboy, 2005, p. 430). And tenet 7 of DisCrit: “DisCrit requires activism and supports all forms of resistance” (Annamma et al, 2013, p. 11). Drawing directly from the report, this report was “ultimately about improving the lives of First Nations children with special needs” (Garrow, 2017, p.4). By developing recommendations that call for and require direct action regarding securing “improved funding, improved facilities, improved access to specialists, and access to provincial funding for off-reserve students,” (p. 4) the report aligns with the praxis Brayboy (2005) necessitates. As well, it conforms with Annamma et al’s (2013) calls for “diverse expressions of resistance that are linked to and informed by the community” (p. 18).

Particularly, as the report itself and the recommendations provided are a direct result of collective political action from a variety of First Nations collaborators. Beyond the report though, the efforts of Garrow and his team are also directly connected to the expressions of resistance from both the Mississauga of the New Credit First Nations and the First Nations Child

and Family Caring Society. Both of which have contributed to the production and spreading of the report, whether that be through the sworn affidavit provided by Cindy Blackstock (2016) during the Human Rights Tribunal or through the dissemination of information as the case unfolded on the Mississaugas of the New Credit website titled *Firstnationsspecialeducation.ca* (MNCFM, n.d.). Ultimately, though discourse surrounding disability within the report’s recommendations leaves some things to be desired, the recommendations are nonetheless practical, achievable, and specifically geared towards addressing issues which impact First Nations communities and their members.

The Logic of Elimination and Anti-Indianism in First Nations [Special] Education

The Logic of Elimination (Wolfe, 2006) and Anti-Indianism (Cook-Lynn, 2001) are both concepts which are helpful in describing the goals of settler-colonial nations like Australia, the United States, and Canada. In reading the Ontario First Nations Special Education Review Report (Garrow, 2017) with these conjoined colonial sentiments in mind, it becomes clear that the Logic of Elimination and Anti-Indianism have been pervasive throughout the entirety of the past and present of the Canadian nation-state. However, they are particularly evident within the country’s dark history of Indigenous/First Nations education. Within the Ontario First Nations Special Education Review Report (Garrow, 2017), it is clear that these colonial ideologies were considered when the recommendations were developed. This is particularly noticeable as the foundational principles and recommendations directed towards funding; provincial regulations; infrastructure/capacity building; and access to support recognize the pervasive presence of Anti-Indianism (Cook-Lynn, 2001) in previous Indigenous Services Canada (ISC; formerly Indigenous and Northern Affairs Canada) programming. As well, the recommendations also

provide solutions which will counteract the Logic of Elimination (Wolfe, 2006) which Anti-Indianism enables.

Historically, the Logic of Elimination and Anti-Indian sentiment has been much more blatant and obvious within the Canadian nation-state. As outlined at the beginning of the Truth and Reconciliation Commission Final Report (TRC, 2015a):

For over a century, the central goals of Canada’s Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate treaties; and through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada. (p. 1).

To achieve their eliminatory goals the colonial governments of Canada first relegated the Indigenous people to reserves through disingenuous treaties and strong-armed negotiations (Garrow, 2017; TRC, 2015a). Following this, the Indian Act of 1876 (Branch, 2019) was enacted, and traditional governments were dissolved and replaced “with a system of band governance” (Garrow, 2017, p. 58) that was “followed by decades of neglect and underfunding” (p. 58). Compounding this, the most heinous and blatant attempt at achieving the Logic of Elimination was the development of residential schools and the subsequent abuse Indigenous children faced within them. Clearly this ‘educational system’ was motivated by a deep Anti-Indian sentiment as “killing the Indian” (TRC, 2015a, p. 211) in Indigenous children was what motivated its creation and dictated its design.

To examine the meticulous planning that took place regarding the development of assimilatory and eliminatory policies of residential schooling, as well as the Anti-Indian sentiment which motivated them, one just has to read the Davin Report commissioned in 1897 by the federal government (TRCa, 2015a). Under their charge, Nicholas Davin travelled to the United States and western Canada to investigate the use of Industrial schools as a means to ‘educate’ and assimilate Indigenous people (TRC, 2015a). As he produced his report, Davin

visited Indian Boarding schools at various Agencies and consulted school officials from schools set up in ‘Indian territory’ (Davin, 1879). Additionally, he also travelled to Winnipeg to meet with “leading men who could speak authority on the subject” (TRC, 2015a, p. 156), all of whom were white men.

Impressed by the methods applied within the United States, particularly their ability to concentrate their Indigenous populations into self-contained reservations, disrupt communal living by implementing property rights, and assimilate their children through self-sustaining Industrial schools, Davin proposed a similar system. Believing that “he was writing at a moment of crisis” (TRC, 2015a, p. 157), Davin stated that Indigenous people have “no option but to be colonized” (p. 157). Claiming that the “Indian himself is a noble type of man” (p. 157) but one that is in a “very early stage of development” (p. 157), he suggested that Indigenous adults were impossible to educate and civilize and therefore, their children must be removed to allow for ‘education’. Unfortunately for Davin, since many of the Indigenous people in western Canada were still largely migratory, an “extensive application of the principle of industrial boarding schools” (TRC, 2015a, p. 157) would not be cost-efficient and full implementation of the American system would not be possible. Instead, Davin’s recommended an “extension of support for the church-run schools” (p. 157) in the meantime. As well as the establishment of no more than four Industrial schools. In summary, the key recommendations from the 1879 Davin Report focus on establishing Industrial and residential schools; providing per a capita funding for existing schools; implementing Christianity into the curriculum; emphasizing the need for these schools to be self-sufficient by taking advantage of cheap Indigenous labour; and suggesting that both boys and girls must attend boarding schools to be assimilated, with the added goal of eventual compulsory attendance (Davin, 1879).

In considering the deep Anti-Indian sentiment that is present within Davin’s 1879 report and the transgenerational trauma that was inflicted by residential schools, it should be painfully obvious why First Nations and Indigenous people would be skeptical and wary of any educational program offered and facilitated by ISC or the similar institutions that preceded it. Garrow (2017) provides an example of such hesitancy when he states that he is “wary to make any recommendation regarding INAC guidelines because First Nations education should be governed by *First Nations* guidelines” (p. 18). With that said, the report’s focus on providing recommendations which involve securing unconditional control of First Nations education, legally binding guarantees of equitable services, and simplified and equitable funding seems more understandable. As well, it also is understandable that there is a focus on motivating capacity-building amongst First Nations and securing opportunities for First Nations Organizations to train community members to facilitate their own special educational programs. In many respects, “nothing in this report is new” (p. 1) as it is echoing previous reports and position papers that have called for First Nations sovereignty, self-governance, and self-determination. By doing this, First Nations can continue to persist and resist the Logic of Elimination (Wolfe, 2006) which is an ever-present goal of the settler-colonial governments of Canada. It is also an effort to distance themselves from the Anti-Indian sentiment that permeates, though now more subtly and covertly, into all facets of the Canadian cultural zeitgeist.

Debility in First Nations [Special] Education

Puar’s (2017) concept of Debility is a critical component to consider when attempting to understand the lived realities of First Nations and the circumstance Disabled Indigenous people find themselves in. Within *The Right to Maim* (2017), Puar proposes that Debility is described as the process which,

“Foregrounds the slow wearing down of populations instead of the event of becoming disabled. While the latter concept creates and hinges on a narrative of before and after for individuals who will eventually be identified as disabled, the former comprehends those bodies that are sustained in a perpetual state of debilitation precisely through foreclosing the social, cultural, and political translation to disability” (xiii). Debility, as such, is seen as “a needed disruption...of the category of disability and as a triangulation of the ability/disability binary” (xv) which considers those bodies which may not be traditionally categorized as ‘disabled’ but are nonetheless clearly debilitated.

Immediately upon reading this quotation, the applicability of Debility to the history of colonialism within the Canadian nation-state becomes clear. Though the history of colonialism and First Nations education within Canada (and prior to) is not the focus of the Ontario First Nations Special Education Review Report (Garrow, 2017), the context and conclusion section do acknowledge the impacts it has on the present moment.

Within the context section of the report, “high-quality, needs based, culturally-relevant education” (Garrow, 2017, p. 13) is called for to meet the unique needs of First Nations students. These “unique needs include, for example, the challenges arising from the intergenerational impacts of residential schools, the 60s Scoop, and other assimilationist policies” (p. 13). Through a global north disability lens, these events would not constitute a disability. However, in considering the concept of Debility and how Indigenous communities have been “expected to endure pain, suffering, and injury” (Puar, 2017, p. xiv), one can begin to conceptualize that “disability is not a fixed state... but exists in relation to assemblages of capacity and debility” (p. xiv) which are “modulated across historical time, geopolitical space, institutional mandates, and discursive regimes” (p. xiv). Hence, though many Indigenous people may not identify with Eurocentric perspectives on disability, the chronic state of debilitation that their communities experience may leave them in a state of ‘disablement.’

Continuing where the context section of the report left off, the conclusion closes the report by reminding readers (specifically government officials) “why the education gaps are so large and why the current system is so flawed” (Garrow, 2017, p. 58). The most prominent cause for the current educational issues can be traced back to when “an entire generation of our children were taken from us [First Nations], abused, and taught to hate themselves and their culture in residential schools” (p. 58). In addition to this and other racist, assimilatory policies, the report goes on to associate the present debilitating circumstance of First Nations communities with circumstances which occurred even further back in history. Notably, when “our [First Nations] land was taken from us, we were relegated to reserves, and we were forced into a system of band governance under the Indian Act, followed by decades of neglect and underfunding” (p. 58).

Through these statements, it is clear that along with the eliminatory and assimilator attempts that are outlined within the report—the debilitation of First Nations/Indigenous people has also been central to the colonial ambitions of the Canadian Nation-state from its inception. With this, it is also apparent that Puar (2017) was correct when she stated that Debility can go beyond communities in the global south and be attached to disenfranchised communities in the global north, like First Nations. This is expressly because within these communities Debility is “endemic, perhaps even normative... not nonnormative, not exceptional, not that which is to come or can be avoided, but a banal feature of the quotidian existence that is already definitive of the precarity” (p. 16) their existence.

As the ambitions of the Canadian nation-state transitioned from goals of assimilation to goals of ‘integration’ in the 1970s, the debilitation of the remaining sovereign First Nations changed from overt acts of violence to more subtle acts of debilitation through economic means

(TRCa 2015a). Within the Ontario First Nations Special Education Review Report (Garrow, 2017) the economic debilitation of First Nations is presented front and center. Particularly, it is shown through the presence of funding inequalities, confusing funding models, unequal access to resources, and the hegemony of Indigenous Services Canada (formerly Indigenous and Northern Affairs Canada); which dictate the educational outcomes of First Nations. In addition to this, much of the Debility that First Nations experience currently (and historically) has emerged from the colonial bureaucracy which has placed First Nations in an in-between state of sovereignty and dependency. Of which has been facilitated by the Indian Act and maintained by Indigenous Services Canada.

Puar's (2017) proposition that "debility is endemic to disenfranchised communities" (p. 17) is followed up by an assertion that it is largely a result of the "financialization that accompany neoliberal economics and the privatization of services" (p. 17). Through this financialization, debt can produce debility and this relationship "can be described as a kind of financial expropriation" (p. 17). Though First Nations communities are not necessarily 'indebted' to the Canadian government, they are financially dependent upon the federal government because of previous treaties and promises. This is in addition to the Indian Act (Branch, 2019) which now replaces, at least in the eyes of the Canadian nation-state, the treaties made pre-confederation. Through the lopsided power dynamic facilitated by the Indian Act, the Canadian nation-state and ISC (formerly Indigenous and Northern Affairs Canada) have "unilaterally set arbitrary and capped funding amounts" (Garrow, 2017, p. 2) on a variety of services provided to First Nation. Though in this instance, specifically for [special] education.

In considering the presence of the general state of debilitation amongst First Nations, one could say that Disabled Indigenous/First Nations people are "twice disabled" (Puar, 2017, p.

158). However, due to the collective debilitation of First Nations, which is similar to the “collective punishment model” (p. 158) that debilitates Palestinians, being Disabled is not always upheld as a specific identity within these communities nor is it within the report. Utilizing a vision of disability proposed by “the director of Shabab Al-Balad for the Disabled, Iyad Jabareen” (p. 158), who is a disability and Palestinian activist within the West Bank; Puar (2017) proposes “disability as a non-identity not wedded to the distinction between the disabled and non-disabled” (p. 158). Through this framework, Indigenous/First Nations people who experience disability are not viewed as twice disabled, rather “this frame posits that everyone is debilitated to some degree, or, in other words, no one is able-bodied” within First Nations. Just as Puar (2017) applied this framework to Palestinians in the West Bank and Gaza, I now utilize it to assert that this debilitating structure that posits all First Nations people as non-able-bodied can create “more acceptance and solidarity between those disabled and those able bodies debilitated” (p. 159) by the ongoing efforts of settler colonialism. Though there is undoubtedly a need for further exploration regarding this idea to cement my assertion, I believe that the recommendations featured in the Ontario First Nations Special Education Review Report (Garrow, 2017) allude to the presence of solidarity amongst First Nations— regardless of ‘ability’ or perceived able-bodiedness.

With this in mind, to address some of this debilitation which is specifically impacting First Nations children/youth who experience disability, the report focuses on expanding access to special education and embracing current special education approaches. In chapter two of Puar’s (2017) book *The Right to Maim*, the concept of Crip Nationalism is presented. Building on the work of Robert McRuer (2010), Puar (2017) presents Crip Nationalism as functioning “as a version of national recognition that proffers conditional, tentative forms of citizenship with

human rights regimes, international forums of hyperpatriotism (such as the Paralympics), and transnational activist networks” (p. 70). Through this, Crip Nationalism “draws attention to how some forms of disability now might possibly be read as “privileged” within internal national hierarchies and within transitional liberal rights frames” (p. 70). Though Puar (2017) does not explicitly discuss how special education enables Crip Nationalism, its reliance upon Eurocentric/colonial medicalized understandings of ability and development which enable “ableist contours of national inclusion” (p. 39), clearly shows its potential. As well, special education is very much invested within the “service economies and neoliberal strategies of intervention and rehabilitation” (p. 77). Which obscures the debilitating effects of both colonialism and capitalism.

Within the Ontario First Nations Special Education Review Report (Garrow, 2017), there is little skepticism applied to the methods utilized within special education, which potentially may be problematic. Though it must be recognized that the report is focused on enabling First Nations communities to meet the immediate needs of their students who need additional educational support; there are potential issues with recommendations four (a, b, c, d), twenty, and twenty-two. To begin, recommendation four is primarily focused on securing funding and increasing access to “special education support” (p. 7), “screening and assessments (including early learning assessments for pre-school aged children)” (p.7), “Individual Education Plans” (p. 7), and “specialized services from psychologists, speech and language pathologists, occupational therapists, physiotherapists, medical doctors, paraprofessionals, and other specialists and professionals” (p. 7). Recommendations twenty and twenty-two add to the previous recommendation by calling for increased funding for “First Nations organizations and Aboriginal Institutes to develop and deliver programs for local community members to obtain qualifications

to become special education staff and specialists” (p. 11). In addition, it is proposed that easing access to early childhood education services is required, specifically, “early special needs identification, assessment, and intervention” (p. 51).

These recommendations may seem beneficial because they address the immediate needs of First Nations students who experience disability and extend accessibility to potentially beneficial services that are typically readily available to non-Indigenous populations. As well as call for First Nations control of the funds and how these services/trainings are provided. However, through the forces of Crip Nationalism, some disabilities are deemed “socially productive for national economies” (Puar, 2017, p. 38) at the expense of other disabilities that do not meet the “minimum levels of corporeal, intellectual, and sensory capacity, in conjunction with subjective aspects of aesthetic appearance” (Snyder & Mitchell, 2010, p. 124) needed to “access the “full benefits” of citizenship” (p. 124). As such, if scrutiny is not applied to the colonial and medicalized discourse of special education, it may result in the emergence of further Crip Nationalism and Ablenationalism (Puar, 2017). Which will unfortunately only result in further debilitation for First Nations communities.

Within the current structure of special education, identification, assessment, and intervention are the key principles which dictate its programming. In many respects, the process of identification and assessment, as well as the focus of ‘intervening’ which is dictated by ideas surrounding normality, has vast potential for valorizing particular disabled identities at the expense of others. In addition to this, the current diagnostic criteria and referral systems within special education have been problematic when applied to Indigenous populations.

For example, a study by Baydala et al (2006) utilized a screening questionnaire to assess the prevalence of ADHD characteristics amongst Indigenous children in Alberta. They found

that ADHD characteristics were “significantly higher than expected based on prevalence rates in the general population” (p. 642). Troubling this finding though, they were unsure if these results meant that there was indeed a high prevalence of ADHD amongst Indigenous children or if there were “behavioural patterns in Aboriginal children that may erroneously lead to a diagnosis of ADHD if screen questionnaires are used” (p. 642). In a similar respect, a study by Dion et al (1998) also reported issues with the identification and diagnostic systems used within special education. Though their findings revolved around conduct disorders and depression symptom identification. Within Dion et al’s (1998) study, ratings regarding depression and conduct disorder symptoms between Indigenous and non-Indigenous children as reported by teachers, parents, and self-reports were compared. Though amongst parental and self-reports, there were no differences in the identification of conduct disorder symptoms amongst Indigenous and non-Indigenous children. There was a higher level of identification of conduct disorder symptoms amongst Indigenous children being reported by teachers.

Notably, these issues with accurately identifying Indigenous students with ‘special educational needs’ significantly troubles the previously mentioned recommendations within the report that wholeheartedly embrace the current special education system. Again, I must mention that report does attempt to safeguard this by calling for First Nations Organizations and institutions to facilitate the training of special education staff/professionals (Garrow, 2017). Having said that, some individuals may still be ambiguous about these recommendations because there is not enough scrutiny applied to the practices which will be applied within First Nations [special] education. As such, though the recommendations are undoubtedly critical and practically driven; there is a need for more consideration of if special education will be effective within Indigenous communities do the incompatibilities that spawn from issues regarding

diagnosis, identification, and intervention. If the current structure of special education is in fact ineffective, thought must then be given to conceptualizing what meaningful and effective education for Disabled Indigenous students will look like. As well, there is also a need for more strict recommendations to outline how it will be facilitated to stave off the influences of Crip Nationalism and its progenitor Ablenationalism (Puar, 2017). As

Effectiveness of Recommendations

Within this section, I will be discussing the effectiveness of the recommendations outlined in the Ontario First Nations Special Education Review Report (Garrow, 2017). To do this, I will compare and contrast which recommendations were adhered to within the current 2022-2023 guidelines for Indigenous Services Canada (ISC; formerly Indigenous and Northern Affairs Canada) Elementary and Secondary Education Program (Canada, 2022). Which provides the majority of the funding to First Nations communities outside of additional proposal-based funding programs, such as the High-Cost Special Education Program (which remains unchanged) (Canada, 2022b). In addition to the federal programs, I will also be considering how the Ontario Ministry of Education has addressed the recommendations by revising the Education Act (Ontario, 2014) and developing the Reciprocal education approach (Ontario, 2019).

The Ontario First Nations Special Education Review Report (Garrow, 2017) provides a variety of comprehensive recommendations which touch upon several factors which impact the facilitation of First Nations [special] education. The report also outlines strict implementation timelines which state when each recommendation suggestion is to be introduced and applied. Specifically, the implementation timeline in recommendation twenty-seven states:

“That implementation occur by the following target dates: prior to the 2017-2018 school year for recommendations regarding policy or regulatory changes (#s 1, 2, 7, 9, & 11-16); prior

to the 2018-2019 school year for the creation of a new funding model and new reporting system (#s 3-6, 8, 10, 17-19, & 25-26); during this fiscal year for additional funding to flow for First Nations organizations to develop and deliver programs to train special education staff and specialists, with target timelines to meet specific targets to be determined by the relevant First Nation organizations (#s 20 & 21); and prior to March 31, 2018 for the completion of a First Nations-led proposal regarding the consolidation and coordination of federal/provincial special education programs, and March 31, 2019 for the implementation of that proposal (#s 22-24)

Upon visiting the ISC education programming webpage, the “New policy and funding approach from First Nations kindergarten to grade 12 education” (Canada, 2008) is shown front and center. In 2016, Indigenous and Northern Affairs Canada (INAC) acknowledged “that a one-size-fits-all approach will not work, and further discussion and dialogue must build upon existing knowledge and previous discussions with First Nations” (Canada, 2017, p. 1). To achieve this, the INAC began a 2-year long (2016-2018) campaign of engagement with various First Nations and established a Joint Working Committee made up of representatives from INAC, the Assembly of First Nations, the Chiefs Committee on Education, and the National Indian Education Council. This engagement campaign had five distinct parts. First, community-level discussions and an online survey, which allowed First Nations community members to “share their views on what needs to be done to ensure that all First Nations students receive a quality education that improves student success” (p.1). Following the conclusion of the discussion period and the collection of survey results, INAC developed six task teams to address issues related to funding mechanisms: education statutory funding; post-secondary education; early childhood education; measurement and mutual accountability; and living within northern and remote communities. These task forces and the federal government then formally engaged with

First Nations leaders through leadership dialogues which were organized by First Nations Organizations, like the Chiefs of Ontario. These organizations also organized regional technical discussions which were aimed at validating “regional priorities for transforming First Nations education... as well as options for reforming the way INAC funds First Nations elementary and secondary education” (p.1).

Though the Ontario First Nations Special Education Review Report (Garrow, 2017) was not published until 2017, the initial Human Rights complaint by the Mississaugas of the New Credit First Nations was launched and subsequently put on hold in 2013 (Lustig, 2013). Therefore, it can be assumed that the initial complaint, as well as the ruling which placed the case on hold and motivated the writing of the Ontario First Nations Special Education Review Report (Garrow, 2017), had a clear impact on the INAC’s engagement campaign. This is most evident because of the emphasis on “investments in special needs education” (Canada, 2017, p. 1) and regional technical engagement, both of which are called for in the report.

Following the conclusion of the engagement campaign in 2018, a new co-developed approach to facilitating First Nations education was implemented in 2019 (Canada, 2019b). Within this new approach is a funding model which replaces “outdated proposal-based programs” (p. 1) and ensures “base funding is comparable to provincial systems across the country” (p. 1). In addition, the funding model provides First Nations schools with base per-student funding (\$1,500) for language and cultural programming, supports the facilitation of full-time kindergarten, and ensures that “special education funding is more predictable, with fewer application-based requirements” (p. 1). Central to this new approach is the use of funding formulas that are “driven by estimates of provincial formulas, with enhancements to meet First Nations’ specific needs” (p. 1). These funding formulas are to be updated annually to account for

changes within First Nations and their schools, as well as act as an interim measure as regional education agreements are developed. These regional and local agreements, of which, are another unique change to the approach to First Nations education. Particularly as they will be “co-developed at the regional level” (p. 1), “comprehensive and cover all federal support for First Nations elementary and secondary education, including special education” (p. 1), and “vary from region to region” (p. 1) to reflect First Nations needs and priorities. Finally, the last change which was enacted through the new approach was changes to the various educational programs which INAC (and now ISC) offer. Respectively, this involves the absorption of two proposal-based funding streams which represent \$360 million in funding. Specifically, the First Nations Student Success Program and the New Paths regular funding, were absorbed into the core funding available through the Elementary and Secondary Education Program (Canada, 2022). Through this, the INAC reduced “the administrative burden” (p. 1) associated with applying for proposal-based funding and provided First Nations with “more predictable funding” (p. 1).

Much of this new approach to facilitating First Nations education considers the recommendations outlined within the Ontario First Nations Special Education Review Report (Garrow, 2017). Most prominently the recommendations associated with First Nations’ control of education (recommendation one); funding levels (recommendations three, eight, nine); funding models (recommendations five, six, seventeen, and twenty-four); securing equity amongst First Nations and non-Indigenous students (recommendation two); and reporting (recommendation twenty-six). However, it does not sufficiently consider the recommendations that are specifically associated with the facilitation of special education (recommendations four and seven); access to special education staff, specialists, and training for First Nations community members (recommendations twenty and twenty-two); early childhood education

(recommendations twenty-two, twenty-three, and twenty-four); and the facilitation of First Nations [special] education within northern and isolated communities (recommendations eighteen and nineteen). With that said, there are several changes to the Elementary and Secondary Education Program which do acknowledge these absent recommendations.

With the rolling out of the *ISC Elementary and Secondary Education Program: National Program Guidelines 2022-2023* (Canada, 2022), there are several changes which take into account the recommendations of the Ontario First Nations Special Education Review Report (Garrow, 2017). These changes center primarily around the inclusion of early childhood education and expanding special education funding/eligibility. To account for recommendations twenty-two through twenty-four, which focus on expanding early childhood education, improving program quality, and increasing ease of access; the Elementary and Secondary Education Program has expanded its funding to be eligible for early childhood education programs. Including funding “full-day kindergarten for ages 4 and 5 in First Nations schools” (Canada, 2022, p.1).

The Elementary and Secondary Education Program has also expanded its eligible components and activities to include transportation/travel costs, after-school programming, staff salaries, capacity building, and program administration. Additionally, specific funding is afforded to support cultural and linguistic programming, and special education funding is expanded to encompass “students with mild to profound special educational needs” (Canada, 2022). These funding expansions are no doubt quite important and consider Garrow’s (2017) recommendations (specifically recommendation four), though it is the change regarding the maximum amount of funding that is the most critical.

Within the new guidelines, the ISC Elementary and Secondary Education Program no longer has a cap on funding; rather, “the maximum amount of funding provided to a funding recipient in a fiscal year is set out in the funding agreement signed by the funding recipient” (Canada, 2022, p. 1). Through this, the Elementary and Secondary Education Program now has a much greater potential to be holistic and address the educational goals/needs of individual First Nations. As well, though recommendation seven is aimed at the High-Cost Special Education Program; the uncapped and broad funding that is available could potentially address recommendation seven’s call for expanding funding regarding students with mild to moderate ‘special needs,’ travel costs, after-school programming, and respite care. Unfortunately, though the program has significantly improved, it still does not explicitly acknowledge and address the unique needs of northern and isolated communities sufficiently (recommendations eighteen and nineteen). As well, it does not address the need for increased access to special education staff through the training of First Nations community members (recommendations twenty and twenty-one). And as such, with these shortcomings acknowledged, I remain skeptical of ISC and its programs until there is a (led by First Nations preferably) assessment of their quality.

In connection with the changes made at the federal level, the Ontario First Nations Special Education Review Report (Garrow, 2017) also motivated change within the Ontario education system. Though in recognizing this, it must be stated that these changes to Ontario’s Education Act and funding model did not occur until well past the 2017-2018 school year deadline. Rather, they were established during the 2019-2020 school year. Regardless though, the recommendations that the Ontario Ministry of Education considered were recommendations eleven, twelve, and sixteen. Of which focused on capping fees that school boards can charge First Nations (recommendation eleven), providing equitable services in comparison to non-

Indigenous/non-First Nation students (recommendation twelve), and the redirection of provincial tuition to First Nations schools for students who attend them and live-off reserve (recommendation sixteen). To put these changes into place, the Ontario Ministry of Education established a new provincial regulation called the Reciprocal Education Approach and made several updates to the Ontario Education Act (Rae, 2019).

According to the Ontario Ministry of Education Reciprocal Education Approach overview, this approach “was designed to improve access to education for First Nations students by eliminating the need for First Nations and school boards to negotiate and enter into an agreement for the base tuition fee” (Ontario, 2019, p.1). Prior to the inception of this approach, First Nations students wishing to attend provincial schools were typically enabled to do so through “informal payments, or with “tuition agreements” or “reverse tuition agreements” between the provincial school board and the First Nation” (Rae, 2019, p. 1). Some of these agreements/informal arrangements were beneficial, however, the lack of regulations placed much of the bargaining power in the hands of individual school boards who used their own discretion when deciding on tuition fees and whether to admit students. In addition to this, prior to the Reciprocal Education Approach, First Nations students living off-reserve were barred from attending First Nations-ran schools. Largely because there were no systems in place to allow for provincial funds to be directed towards non-provincial schools (Rae, 2019).

Through this approach though, school boards are now required to admit First Nations students who live on-reserve to a provincial school without exception. As well, they are expected to provide funding for students who live off-reserve, and are eligible, to attend First Nations-ran schools. The Reciprocal Education Approach sets out a reciprocal base fee that school boards must pay or charge First Nations entities which can fluctuate depending on the specific school,

though is generally capped and standardized across the board. Though the effectiveness of this program/approach is still to be seen because of its recent implementation, it nonetheless aligns with recommendations eleven and sixteen of the Ontario First Nations Special Education Review Report (Garrow, 2017).

In addition to the Reciprocal Education Approach, the Ontario Ministry of Education also made updates to the Education Act that were undoubtedly a result of recommendation twelve (Ontario, 2014). Specifically, this change was made within section 188(1.6) which dictates the admission of eligible pupils to school boards. Though First Nations are not explicitly stated, as would be preferred, the Education Act was changed to state that “If the board admits a pupil under subsection (1), the board shall provide that pupil with at least the same services and supports that it would ordinarily provide to a pupil of the board with the same needs” (Ontario, 2014, p. 1). Through this amendment, despite its ambiguous wording, First Nations students (regardless of special educational needs) who attend provincial schools are now guaranteed equality in services when compared to their non-First Nation peers who also attend provincial schools (Rae, 2019).

Unfortunately, though the Reciprocal Education Approach and the changes to the Education Act are critical contributions and indicate an ongoing change in the Ontario education system; recommendations thirteen, fourteen, and fifteen were not recognized. As such, protocols still need to be established “for school boards to follow to better welcome, integrate and support First Nations staff housed in provincial schools” (recommendation thirteen; Garrow, 2017, p. 10). As well, regulator amendments must be made to allow First Nations communities to monitor/participate in the special education services provided to their students at provincial schools (recommendations fourteen and fifteen).

Reflection

Upon completing this project and moving towards concluding my experience as a Master of Arts in Child and Youth Studies student, I am now going on to enter my first year of Teacher's College. As someone who is invested in the education system and sees the potential of education to be used as a tool for individual and societal betterment, this investigation into First Nations special education has been both enlightening and troubling. I can now say that I have a deeper understanding of the complexities attached to the facilitation of First Nations education within the settler-colonial nation of Canada. Also, I have more insight into how special education, and education, are routed within colonial discourse and ideologies. This knowledge, however, now leaves me at a crossroads. How will I utilize this knowledge within a system which does not readily acknowledge its colonial foundations nor wholeheartedly embraces systemic change? Will my research truly impact or contribute to ongoing efforts championed by Indigenous people, Disabled folks, and their allies?

To attempt to demystify the answers to these questions, I will begin this reflection by reflecting upon the conclusions I drew and the research process to tease out some of the potential implications of this study. Following this, I will discuss the limitations of this project and the utility of Critical Discourse Analyses for this investigation. To conclude this section, I will then wrap up with potential future directions that researchers may venture down to further investigate the colonial dimension of special education within the nation-state of Canada and on Turtle Island (otherwise known as North America).

As previously mentioned, through analyzing the Ontario First Nations Special Education Review Report (Garrow, 2017) this study found that disability discourse is absent within the language of the report. This absence is largely a result of the importance and need of centring

Indigenous epistemologies and Indigenous issues. Though it is also a result of the history and ongoing presence of settler colonialism within the Canadian nation-state, as well as a general apprehension to use the colonial/Eurocentric conceptualizations of ability and development which have been utilized to pathologize Indigenous people (Greensmith, 2012). Building upon this finding, I also concluded that Debility (Puar, 2017) plays a fundamental role in the report's aversion to Disability Studies discourse and the identity-first language that it propels. Particularly as it is the historical and ongoing debilitation inflicted upon First Nations communities which restrict Disabled Indigenous people's access to the liberal identity of being 'Disabled'.

Puar's (2017) thinking was also found to be beneficial while thinking critically about the effectiveness of the current special educational process (i.e., diagnosis, evaluation, and intervention) within First Nations schools. Through considering the impacts of Crip Nationalism on colonial conceptualizations of disability, I concluded that if Crip Nationalism is not readily considered and addressed; the introduction of more special education systems into First Nations could potentially be counterintuitive. Specifically, because the colonial and medicalized discourse which informs special education practices may result in the exacerbation of the debilitation faced by Disabled Indigenous people and their communities.

The last major conclusion I drew from my examination of Garrow's (2017) report was that though the report recommendations were clearly geared toward impacting the lives of Disabled Indigenous people, their focus on meeting systemic issues related to funding, resource access, and self-determination overshadowed more critical recommendations which may have proved more beneficial. Though this lack of criticality may leave some people ambivalent about the recommendations, the historical and current presence of inequality within First Nations

schools and communities needs to be addressed immediately. By addressing these systemic structural and economic issues, First Nations and Indigenous people will be better equipped to continue producing (and reclaiming) their own discourse involving disability. And through this, potentially producing more critical recommendations for bettering the lives of Disabled Indigenous folks, all while being free from the influences of colonial institutions and epistemologies.

In many respects, this research study features some important implications which could generate future research because of the approach I applied and the conclusions I drew. To begin, my study contributes to research within the fields of Critical Disability Studies, Settler Colonialism, Indigenous Studies, and Education (Brayboy, 2005; Annamma et al, 2013; Wolfe, 2006; Cook-Lynn, 2001; Puar, 2017). If I publish this project, my critical analysis of the Ontario First Nations Special Education Review Report (Garrow, 2017) will lend insight into why Indigenous communities may be apprehensive to adopt disability discourse, as well as how Debility (Puar, 217) contributes to this and the issues surrounding the facilitation of special education in an Indigenous context. For future researchers seeking to investigate Indigeneity, settler colonialism, disability, and/or education, I believe building upon this study will assist in the decolonization of [special] education and Disability Studies (Yee & Butler, 2020).

By applying the Critical Disability Studies framework of DisCrit (Annamma et al, 2013) within my inquiring, I was able to utilize its tenants to investigate how the intertwining forces of colonialism and racism impact conceptualizations of disability within an Indigenous context. Though Annamma et al's (2013) framework does acknowledge that colonialism is an exacerbating force which informs ableism, the DisCrit framework has often been utilized to investigate anti-Blackness and as a result, typically does not specifically address the impacts of

settler colonialism. As such, by applying this framework, future researchers will have a starting point for their future inquiries into how settler colonialism, ableism, and racism impact one another.

In a similar respect to the application of DisCrit within my critical inquiry, my use of TribalCrit (Brayboy, 2005) expands upon its typical use within the United States of America. Within Brayboy's (2005) initial application of TribalCrit, he states that it allows him to "address the complicated relationship between American Indians and the United States federal government" (p. 428). As well as "make sense of American Indians' liminality as both racial and legal/political groups and individuals" (p. 428). Fortunately, since Indigenous people who reside north of the American border share common epistemologies and cultural roots as their southern counterparts, and in some instances even hail from the same nation/band (such as in the case of the Haudenshonnee); Brayboy's (2005) critical framework is highly applicable to the lived experiences of Indigenous people within Canada. In addition to this, the colonial regimes of the United States and Canada share common ambitions and have enacted similar assimilator and genocidal efforts upon the Indigenous populations which they pushed up against. Thus, though Brayboy's (2005) TribalCrit is already applicable, this study draws together the experiences of the Indigenous people of Turtle Island which may help inform future researchers.

Wolfe's (2006) Logic of Elimination and Cook-Lynn's (2001) Anti-Indianism were also invaluable concepts for my exploration. Both of these concepts emerged from separate, and somewhat conflicting, fields of study. Specifically, the former is from the field of Settler Colonialism while the latter is from the field of Native American (or Indigenous) Studies. Though both of these concepts have been utilized to explore settler colonialism within Canada and the United States, I have not encountered a study which uses them in tandem. As a result of

this, I believe that this study will be invaluable for future researchers who wish to understand how Anti-Indian sentiment within discourse enables the Logic of Elimination to persist within modern-day settler-colonial regimes. As well, I believe this study may also spur further collaboration between scholars from the fields of Settler Colonialism and Indigenous Studies. Particularly as they share common ideological goals, though approach them from different perspectives (Smith, n.d).

Finally, Puar’s (2017) concept of Debility was a vital component of this project and an important motivating factor for developing this study. Puar (2017) initially conceptualized her theory of Debility by examining how the settler-colonial regime of Israel has subjugated and dehumanized Palestinians. Though the settler societies of Canada and Israel have distinct differences, specifically in regards to the acts of overt militarized violence, they both share common colonial ideologies and wishes to debilitate, incapacitate, and ultimately maim Indigenous populations which reside within territories they wish to possess (Puar, 2017; Daschuk, 2019). As such, through applying the concept of Debility to my Critical Discourse Analysis of the Ontario First Nations Special Education Review Report (Garrow, 2017), future researchers, policymakers, and Indigenous organizations may have language to describe the state of precarity Indigenous communities find themselves within settler-colonial nation-state of Canada. As well as have a better understanding of why Indigenous communities may be apprehensive about participating within disability discourse, adopting identity-first language, and utilizing a right-based approach.

Limitations

Unfortunately, due to the nature of this study, the approach, and the timeframe in which it was conducted; several limitations must be acknowledged. Most prominently the nature of a

Master’s thesis has led to substantial time and resource constraints. Which in this case, restricted my ability to gather and access the already limited amount of research on my topic and narrowed my scope to a degree that limited its applicability to non-First nations Indigenous people (i.e., unregistered First Nations, Metis, or Inuit) and those living outside of the province of Ontario. Throughout the research process, I have engaged with several theorists and a plethora of research. However, in saying that, I am still severely limited by how much information I can engage with due to the limited time I have. In my preferred situation, I would have taken extra time to engage more with Crip Theory (Alphin, 2020; Bennett, 2007; Kafer, 2009) and research revolving Indigenous epistemologies as I believe this would have been useful for my investigation. Therefore, due to this limitation, I would encourage future researchers hoping to investigate Indigeneity, disability, and special education to engage with the fields of study mentioned above.

In conjunction with my lack of time to engage with scholarly work that was outside of the direct scope of my investigation, I also found that though there are several scholars who are making critical contributions to the decolonization of disability discourse; it is nonetheless still sparse and in the emerging process (Dirth & Adam, 2019; Greensmith, 2012; Hutcheon & Lashewicz, 2019; Ineese-Nash, 2020; Meekosha, 2011; Soldatic et al, 2017). In connection with this, research specifically investigating Indigenous special education outcomes is even less prominent, particularly within Canada (Nelson, 2017; Phillips, 2010; Phillips, 2010b). There are a variety of government reports and First Nations-led inquiries which touch upon some of the issues which impact Disabled Indigenous people, though they fail to completely flesh them out or critically engage with them. Aside from the work of Ron Philips (2010; 2010b), who has dedicated himself to investigating special education and Indigeneity across the country, there

appears to be a substantial gap in academic research as well. Thus, as more research emerges regarding Indigeneity, disability, and special education, I believe future researchers will be better equipped to investigate disability discourse in an Indigenous context and the impacts of settler colonialism on said discourse.

Narrowing in on the effectiveness of my methodology, the Critical Discourse Analysis approach comes with a variety of benefits and downfalls. Many of these benefits and downfalls emerge from the broad and ill-defined structure of the approach. Since the Critical Discourse Analysis approach does not have as strict of a structure as other more traditional methodologies and rather encompasses a variety of individual (and still quite broad) approaches, several issues may emerge. Specifically, the primary issues revolve around potential bias, compounding variables, and over-politicization (Fairclough, 2013; Fairclough 2013b; Patterson, 1997; Velarde, 2018). As well as a lack of traditional measures of reliability and validity that are associated with ‘scientific rigour.’ Of which my study and approach do not rely upon, though they have nonetheless become commonplace within the hegemonic positivist approach to research and will undoubtedly impact the validity of my conclusion within particular academic circles (Golafshani, 2003).

The first significant issue with conducting a Critical Discourse Analysis is that, even though I have attempted to remain reflexive throughout the research process and have plainly identified my positionality, there is still the potential that my own bias will influence my conclusions. Just as it is impossible to adopt a purely objective stance, it is also impossible to detach oneself from their own implicit biases and viewpoint (Rooney, 2005). If by chance an Indigenous or Disabled scholar conducted a similar study to this one, I would be unsurprised to know that they drew different conclusions. Particularly, as it is highly likely that they would be

able to produce more critical and insightful arguments because of their own experiences and connection to the areas of focus (Annamma, 2013).

Exacerbating the potential for unconscious self-serving attachments to forms of knowing and being that may skew my findings, the centrality of my political stance also may weaken my conclusions to some. As critics like Widdowson (2004) have pointed out, the Critical Discourse Analysis approach is often embedded within a type of political agenda and as such, stretches the traditional boundaries of what is typically done within linguistic analysis (Stubbs, 1997). Though to me, my expressed goal of troubling traditional notions of disability and advancing the ongoing effort of Truth and Reconciliation may seem important and self-justifiable considering the political climate of the Canadian nation-state (TRC, 2015a), it nonetheless is still embedded within a particular political agenda that some may not agree with nor see the necessity of including within research.

In connection with the potential for my own biases and political motives to ‘taint’ my conclusions, the lack of traditional measures of validity and reliability also may leave some researchers and individuals questioning my conclusions (Haque, 2008; Nguyen, 2014). Since many researchers align with the positivist tradition and uplift the notion of objectivity to assess the validity of research, my clear subjective stance may be troubling (Rooney, 2005). The centering of subjective stances within the Critical Discourse Analysis is necessary and important for its generative potential; however, it does leave it open for potential criticism because another researcher will never be able to totally replicate the study. Though I feel that the emancipatory and deeply political intentions of my research justify itself, researchers geared towards more traditional methodologies may be troubled by my conclusions, aversion to notions of objectivity, and lack of substantive evidence.

Despite the downfalls of the approach and the limitations of this study, I genuinely believe that if I had not utilized this methodology and focused on discourse, I would not have been able to adequately meet the goals of this inquiry. As a white, straight, and nondisabled man, it is important for me to distance myself from the past wrongdoings of the researchers who preceded me (Miles et al, 2017). All the while still recognizing that unconscious attachments make it difficult for me to do so completely. Historically, researchers who have shared my positionality have viewed Indigenous and Disabled populations as objects of inquiry and have produced research ‘about them’ and not ‘with them’ (Brayboy, 2005; Miles et al, 2017). Though no singular research project can produce a total paradigm shift that addresses past wrongs, I have successfully demonstrated an alternative research approach that does not subscribe to the past positivist norms which have plagued research involving Indigeneity, settler colonialism, and/or disability. Clearly, my project has a deeply political element and as stated, that could potentially be viewed as a downfall due to its potential to ‘taint’ my findings (van Dijk, 1993; Widdowson, 2004). However, since I intended to frame special education and Disability Studies discourse as colonial productions, as well as bring together conceptualizations of disability and the history (and present) of colonialism within Canada, with the end goal of advancing the ongoing effort of Truth and reconciliation; the need for my political standpoint seems self-explanatory (Ineese-Nash 2020; Meekosha, 2011).

To achieve the political and emancipatory ambitions of my project, the Critical Discourse Analysis approach was invaluable because of the need for transdisciplinarity (Fairclough, 2013; Fairclough, 2013b). This transdisciplinarity allowed me to draw upon a variety of fields of study which all lent valuable insight, concepts, and standpoints for interpreting the impacts of discourse on conceptualizations of Disabled Indigenous identities and the facilitation of First

Nations [special] education. As well, it also enabled me to draw together fields of study which produce similar kinds of discourse and insights, though do not traditionally interact. Such as the field of Settler Colonialism and Native American (or Indigenous) Studies, which share common ideological goals and produce similar concepts; though just from different standpoints and with different language (Konishi, 2019; Smith, n.d).

Finally, the most valuable aspect of conducting a Critical Discourse Analysis was that it enabled me to investigate how discourse produces real-world manifestations and influences (Dijk, 2015; E Shaw & Bailey, 2009; Fairclough, 2013). This is particularly true in regards to discourse’s impact on those who it is directed towards and those who consume it. In using the Critical Discourse Analysis approach, I was able to view discourse and language as ‘social practice’ and as a result, I was able to more readily consider the textual, contextual, historical, and societal factors that impacted the production of said discourse (Fairclough, 2013; Grue & Sherry, 2014). Since I directed my inquiry toward a text that I believe will have clear real-world implications for people, as is necessary if I wished to properly conduct a Critical Discourse Analysis, I was also able to adopt a more ethical stance because of my intention to draw “attention to power imbalances, social inequities, non-democratic practices, and other injustices in hopes of spurring readers to corrective action” (Huckin, 2002, p. 79). Therefore, though this research approach has clear shortcomings and criticisms that must be addressed; I remain steadfast in my claim that the Critical Discourse Analysis was the best potential methodology for this specific inquiry.

Future Directions

With the limitations acknowledged, I will now unpack some of the possibilities for new directions in related research that this study opens up. To start off, the use of any or all of the

several theories featured within this examination will be highly beneficial when investigating disability, [special] education, and Indigeneity within any Canadian province. Since each province governs its own education system, which has distinct impacts on the Indigenous people residing within that province; I believe applying a similar research approach outside of Ontario would yield interesting and unique conclusions. In particular, I would be extremely interested to understand how First Nations [special] education is facilitated, and Disabled Indigenous identities are conceptualized within the province of Nova Scotia due to the large Mi'kmaw population and the establishment of the Mi'kmaq Education Act within the province (Branch, 2014).

Alongside extending this inquiry into other provinces, applying different methodologies to investigate First Nations [special] education and conceptualizations of Disabled Indigenous identities is needed. For example, Ron Phillips (2010b) conducted an interesting qualitative study which consulted several Aboriginal Elders about their views on exceptionalities. This study undoubtedly yielded valuable insight and as he states assists educators in understanding "how to address exceptionalities in Aboriginal communities" (p. 64), however, studies similar to this are far and few between. In a similar respect, Stan Auerbach (2007) sent out a qualitative survey to several First Nations schools to gather "data that indicated which students were formally assessed and identified as special needs students and which students were not yet formally assessed but judged to have significant special needs" (p. 6). In doing this, he was able to provide recommendations which focused on increasing early intervention programs, strengthening informal assessments, and changing the annual data collection system. Again, this inquiry produced critical conclusions which are beneficial for both researchers and First Nations/Indigenous communities, though studies like this are even more sparse than those which

utilize a qualitative approach. Therefore, I would encourage future research to utilize a variety of qualitative and quantitative methodologies as they will no doubt yield unique and critical conclusions/findings that can assist in the ongoing effort of decolonization and the betterment of First Nations education.

Conclusion

To conclude this project, it seems fitting to reiterate the intentions and aims of this analysis of the Ontario First Nations Special Education Review Report (Garrow, 2017). In general, the purpose of this study was to investigate the connection between current and historical conceptualizations of disability and the history/present of settler colonialism within the Canadian nation-state. My thesis was framed through the understanding that ableism and colonialism are intertwined forces which are founded upon white supremacy and framed through Eurocentric discourse (Ineese-Nash, 2020; Miles et al, 2017). As such, my thesis engaged with the fields of Critical Disability Studies, Settler Colonialism, Indigenous Studies, and Education, to describe how special education is informed by colonial constructs of schooling (Brayboy, 2005; Annamma et al, 2013; Wolfe, 2006; Cook-Lynn, 2001; Puar, 2017). With this starting point decided, I set out to respond to two research questions: how has Canada’s settler-colonial society conceptualized disability and ‘Disabled’ Indigenous identities? And how has settler colonialism exacerbated negative and stigmatizing notions of disability?

Though I was not able to draw definitive answers to these questions, I did not expect I was going to be able to. Particularly as these questions are exceptionally large, broad, and encompass a variety of forces and factors. What I was able to do, however, was apply critical frameworks produced by Critical Disability Studies researchers and Indigenous scholars to a public policy report that involves Disabled Indigenous children and youth. As well as explore the impacts of settler-colonial and disability concepts on the facilitation and production of First Nations’ special education.

Through this, I drew four distinct conclusions. First, disability discourse is not readily adopted by the First Nations author and contributors because of the history of colonialism; an

apprehension to utilize colonial understandings of ability and development; and the importance of centring Indigenous epistemologies. In connection to the first conclusion, I also found that disability discourse and the identity-first language found within Disability Studies are not used within the report because of the historical and ongoing presence of Debility (Puar, 2017), which prevents Disabled Indigenous people from adopting the liberal identity of ‘Disabled’. Crip Nationalism is also a pervasive force tied to colonial conceptualizations of disability and through my engagement with Puar’s (2017) ideas whilst reading Garrow’s (2017) report, I concluded that if it is not readily acknowledged and counteracted; the introduction of more colonial-informed special education systems (i.e., diagnoses, evaluations, and interventions) could potentially result in further debilitation for First Nations who experience disability and their communities. Finally, the last significant conclusion I drew was that addressing the systemic issues regarding funding, resource access, and self-determination are the most important aspect of the report because of the historical and continued injustices that occur within the First Nations education. Though this focus of the report in some regards prevents the inclusion of more critical recommendations which could improve the lived experiences of Disabled Indigenous people, addressing these structural and economic issues will enable First Nations/Indigenous people to continue building (and reclaiming) their own discourse surrounding disability. Of which can then be produced without the influence of colonial institutions and epistemologies.

These conclusions are significant and important, particularly as they draw attention to how ableism and colonialism uphold each other (Ineese-Nash, 2020). They also indicate why there is apprehension amongst Indigenous communities to embrace disability. Not because of Indigenous perspectives and interpretations of Disabled people, but rather because of the ever-permeating impacts of colonialism and the historical (and present) tendency for “settlers [to] use

pathologizing tropes in order to produce Indigenous people as defective and reckless” (Greensmith, 2012, p. 32).

As I set out down my career path as an educator, I find myself wondering how I will confront the colonial and ableist ideologies which emerge in my classroom. Revisiting my current position at the crossroads mentioned in my reflection, how will I be able to confront the forces of ableism within my classroom in a manner which acknowledges Indigenous ways of knowing and being? Will I, as an individual teacher, be able to truly do anything within a system that valorizes individuality over collectivism, independence over cooperation, and reinforces dichotomous thinking (Vaughn & Linan-Thompson, 2003; Ye & Butler, 2020)? I would like to say yes, as by engaging with the ideas produced by Critical Disability Studies and Settler Colonialism, as well as the work of Indigenous scholars, I can become aware of the covert and ‘invisible’ ways in which these forces have intertwined themselves into seemingly benevolent institutions like education (LeFrancois, 2013). As well, this engagement allows me to remain reflexive, as inherently many of the ideas I encounter within these fields and from these individuals conflict with my own experiences/initial perspectives as a white, heterosexual, and nondisabled male.

By completing this project and engaging with the theories I have chosen, I honestly believe that I will be a better equipped, culturally conscious, and well-rounded educator. This is undoubtedly quite important and will be highly beneficial for myself and my students, however, the most important aspect of this project is that it allowed me to contribute to the ongoing effort of decolonization taking place across the Canadian nation-state. Most prominently in regards to the decolonization of education, which the TRC’s (2015c) Calls to Action have explicitly called for. Therefore, to conclude this paper and reaffirm the need for research like this, I will draw

upon the TRC (2015a) one last time. "All Canadians have a critical role to play in advancing reconciliation in ways that honour and revitalize the nation-to-nation Treaty relationship" (p. 190). And as such, this paper contributes a small portion to this incredibly important ongoing effort.

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Appendix

Ontario FN Special Education Review Report: In-Depth Overview

To begin this chapter, I will provide an extension to the initial introduction of the Ontario First Nations Special Education Review Report led by Peter Garrow (2017). Within, I will start with a summary of the guiding insights and a brief reflection of the review chair, Peter Garrow, and the several contributors. I will also provide an in-depth overview of the contextual factors which lead to the development of this report and the foundational principles which structured it. Finally, this section will conclude with further elaboration on the six main areas of focus within this report. Which include Funding; Provincial Education Regulations; Special Education in North and Isolated First Nations; Access to Special Education Staff and Specialists; Early Childhood Education and Program Coordination; and Facilities, Reporting, & Funding Cycles.

Guiding Insights, Review Chair, and Contributors

Beginning on page iii of the report, three Guiding Insights are given through quotes from the National Indian Brotherhood, Chiefs of Ontario, and Shannen Koostachin; the Cree Youth Indigenous education activist whose efforts inspired the nationwide campaign known as ‘Shannon’s Dream’. Though mentioned before the contextual factors and guiding principles, these quotes set the stage for the remainder of the report through their focus on the potential of education to be used “as a preparation for total living” (National Indian Brotherhood, 1972, p. 3). As well as their effort to highlight the shortcomings of past seemingly ‘altruistic’ educational initiatives led by the Canadian nation-state. Such as the official adoption of the Indian Control of Indian Education Policy in 1973, which was portrayed as an effort to emancipate Indigenous people from the shackles of colonial education, though was undermined due to a consistent state of underfunding which counteracted its initial intent (Chiefs of Ontario, 2012). Through the guiding insights of these quotes, the Ontario First Nations Special Education Review Reports’

(Garrow, 2017) intention of contributing to ending “the chronic underfunding of the First Nations education systems” (p.1) and addressing “these issues on a nation-to-nation basis” (p.1) becomes clear.

Following the Guiding Insights, the report provides a brief overview of the author, Peter Garrow, and makes a brief statement about the collaborative effort that occurred to produce the report and its several recommendations. Peter Garrow, a member of the Mohawks of Akwesasne’s Bear Clan, is described as a “veteran advocate and expert on First Nations education” (Garrow, 2017, p. iii). As well, he is shown to be a celebrated and respected member of both the Indigenous and larger Canadian community through his 6-year tenure as Director of Education for the Assembly of First Nations and receipt of the Queen Elizabeth II Diamond Jubilee medal in 2012. In leading this report as its Review Chair, Garrow continues his previous efforts as a “champion of causes such as Shannen’s Dream, Jordan’s Principle and the promotion and implementation of the United Nations Declaration of the Rights of Indigenous People” (p. iii).

Working under the guidance of Garrow (2017), the Ontario First Nations Special Education Review Report emerged from the effort of a variety of bodies “working on-the-ground across the province” (p.1). These various contributors were made up of “First Nations educators, education directors, administrators, academics and organizations” (p.1) working with/within various Indigenous communities. In addition to a direct contribution from these entities, the report is also reliant upon past information and recommendations provided from previous papers/reports that are focused on Indigenous [Special] Education. Such as the *Ontario High-Cost Special Education Funding Review*, which was produced by the Chiefs of Ontario (2010). Or the *A Review of First Nations Special Education Policies and Funding Directions within the*

Canadian Context, which was produced by Gerry Hurton (2002) and commissioned by the Minister’s National Working Group on Education.

Context

Appointing a well-established and respected member of the Indigenous community as chair of this report is no coincidence, as maintaining First Nations’ control of First Nations education is central to this report. Compounding this, the report also centers on knowledge produced by Indigenous people/professionals, or at the very least produced in collaboration with them (Gerry Hurton, 2002; Heyer & Wien, 2001). With this in mind, the contextual factors of a colonial past and present which spurred this report becomes evident.

Beginning on page 13, the Context section starts off with a seemingly obvious suggestion that Indigenous children “deserve a high-quality, needs-based, culturally-relevant education”. Despite the common-sense nature of this assertion, Indigenous children historically have not had their basic needs met within state-ran educational institutions, let alone their educational and cultural needs (TRC, 2015). The report goes on to suggest that Indigenous children deserve at least the same as that which is provided to non-Indigenous children, as well as additional services which support their “unique cultures, traditions, and languages” (Garrow, 2017, p. 13). Unfortunately, due to the genocidal efforts of Settler Colonialism within Turtle Island, these additional services which meet Indigenous youths must also acknowledge the challenges that may arise from the impacts of transgenerational trauma. Of which stem “from the intergenerational impacts of residential schools, the 60s Scoop, and other assimilationist policies” (p. 13).

Under “inherent First Nations rights, our Treaties, and international law” (Garrow, 2017, p.13), Indigenous children already have the right to the adequate educational services outlined

above. Alongside this, the report highlights how these rights are implicitly enshrined within Canadian law through the principle of substantive equality (which is a fundamental aspect of human rights). Though previously left somewhat up to interpretation, the several legal victories by Cindy Blackstock and the First Nations Child and Family Caring Society of Canada have removed all ambiguity and “confirmed that [First Nations] children deserve the same levels of educational success” (Garrow, 2017, p. 13) as their non-Indigenous counterparts (Blackstock, 2016; Whiteduck, 2021). With this now clearly established, the Ontario First Nations Special Education Review Report uses the momentum generated by these landmark legal victories to direct attention toward the Canadian Federal Government’s ongoing commitment to providing flawed and underfunded educational programs— particularly as these would now be considered undeniably illegal under Jordan’s Principle (Canada, 2020).

With the contextual groundwork for the report laid out, the report goes on to establish that it will not set out to reason why First Nations Special Education systems must be reformed or suggest why it believes in “substantive equality for First Nations children with special needs” must be achieved. Rather, it will focus on supply recommendations which will allow for the reforms to occur and eventually lead to equality for Indigenous students who experience disability. Despite this, the report lists several points in time in which both the Federal and Ontario Provincial government have already committed to the reforms the report will suggest and its general call for equity for Indigenous children. These of which include the unanimous motion to adopt Shannen’s Dream within the House of Commons; commitments to adhere to the Calls of Action outlined within the TRC (2015) by both the Federal and Ontario Provincial governments; previous government-commissioned studies that suggest the economic benefits of investing in First Nations Education; commitments to reforming First Nations education in the

platforms of both Provincial and Federal political parties (Liberal Party); and previous Mandate letters directed towards both the Minister of Indigenous and Northern Affairs Canada (INAC) and the Ontario Minister of Education. In short, the report’s focus on justifying the need for these reforms by highlighting the shortcomings of the First Nations Special Education system.

However, it also suggests “that these kinds of reforms are required by our inherent First Nations right, Treaties, international law, and domestic Canadian equality law” (Garrow, 2017, p. 16).

Foundational Principles

Within the Foundational Principles section, the first two recommendations are provided.

The first being:

That (a) First Nations have the opportunity to be completely freed from the terms and conditions of INAC’s education programs and to take full and complete control of First Nations Education, should they so desire (e.g. through self-government agreements), and that, in the interim, (b) INAC’s education programs be First Nations-led. (Garrow, 2017, p. 17)

In more simplistic terms, this recommendation is centred around the ongoing limitations of achieving total First Nations control of First Nations education that stem from the unilateral power dynamic present between the INAC and First Nations communities. Currently, the INAC produces educational programs which are “delivered according to the terms and conditions set unilaterally by the federal government” (p. 16). As such, the report suggests that the new program which will be produced through the application of its recommendations be built through a joint effort between the INAC and First Nations communities; disrupting this dynamic to a degree. To allow for a complete severing of the colonial power structure, the report also suggests that First Nations communities have “the opportunity to be completely freed from the terms and

conditions and take full and complete control of First Nations Education” (p. 16). In recognizing the importance of emphasizing the importance of enabling First Nations’ sovereignty and control, the report leads into its second recommendation by stating that though First Nations communities should adequately participate in the development of these new programs, the ongoing negotiations between the two should not lead to “an excuse for inaction” (p. 16) or be used as a mean to deny justifiable requests for funding or support.

Recommendation 2 is concentrated on securing equal educational opportunities for Indigenous students who participate in Special Education; that which is on par with their non-Indigenous peers. Specifically, this recommendation states

That the terms and conditions of the special education program include the objective of achieving equality of educational outcomes between First Nations children and other children with special needs and require that adequate funding be provided to achieve that objective. (Garrow, 2017, p. 18)

By plainly stating that the INAC must implement achieving equal outcomes between Disabled Indigenous students and their non-Indigenous counterparts in its “National Program Guidelines” for education programs (in this case the High-Cost Special Education Program), the report once again emphasizes the need to achieve substantive equality for Indigenous students. In addition to this, it does so in a way which is explicit and provides the government with “specific performance measures” (p.17) (i.e. graduation).

In many respects, the initial two recommendations of the Ontario First Nations Special Education Review Report (Garrow, 2017) are quite different than the remaining twenty-seven. Particularly as recommendations 1 and 2 are focused on demonstrating the underlying ideas which guide the remaining principles; while the remainder are designed to provide practical

solutions to address the plethora of issues which impact the adequate facilitation of First Nations Special Education.

Recommendations and Areas of Focus

Funding

The largest section of the report, Funding, encompasses eight of the twenty-seven recommendations (recommendations 3-10). Within, this section is broken up into six subsections: Sufficient Funding Levels, New Funding Model, Expanded Funding Eligibility Criteria, Expanded Funding for First Nations Organizations, and Guarantee of Adequate and Equitable funding. Beginning with Sufficient Funding Levels, the report discusses how the present INAC special education program “is determined solely by the federal government in a secret Treasury Board process” (Garrow, 2017, p. 18). Through this, the Treasury Board can set caps on funding levels without any accountability and justification. Though First Nations communities are consulted on “the allocation formula” (i.e. which First Nations get what portion of the funding pot), they are barred from participating in the development of the size of the overall funding amount.

Ultimately, this “old fashioned, secretive, top-down, ad hoc, non-needs-based method” (Garrow, 2017, p. 18) is hindering the potential for First Nations to meet the educational needs of their Disabled students and therefore, the report suggests a new system. One which is “based on a holistic and bottom-up assessment of all needs” (p. 18), accounts for the unique needs of each individual First Nations community, is updated annually, and is comprehensive (i.e. encompassing all costs associated with the facilitation of Special Education) and transparent in design. Thus, recommendation 3 focuses on achieving a funding system which is based on the principles previously mentioned, while recommendation 4 focuses on securing funding for the

vast number of professionals, systems, and institutions that participate in Special Education. These of which include (but are not limited to) funding for salaries for special education staff (i.e. educational assistants, tutors, Elders, social workers), the development of Individual Education Plans, securing specialized services (i.e. psychologists and medical doctors), professional development for special education staff/educators, support and training for parents, travel costs associated with securing services, “cultural and linguistic curriculum development” (p. 20), legal funding for lawsuits (associated with the inadequate facilitation of Special Education), and facilities which can accommodate the unique needs of students (i.e. sensory rooms or lifts/hoists).

New Funding Model: Hybrid Approach. To achieve the funding goals outlined within the previous recommendations, the report suggests through recommendation 5 a hybrid funding model that is “needs-based and bottom-up (the overall “pot” should be based on the sum of the needs in each First Nation); uncapped (the overall “pot” should not be capped for any year or between years); flexible (First Nations should be allowed to carry over funding from year to year, as was announced in January, 2017); transparent, stable, and predictable (funding amounts should be known long in advance and should not be at risk of sudden or unanticipated decreases); holistic (covering all aspects of student needs); and indexed (the overall funding should automatically increase based on increases in population, need, and cost inflation).” (Garrow, 2017, p. 30). Within this funding model, base amounts of tuition would be calculated for each individual First Nation using a formula which accounts for “factors such as student numbers, remoteness, community characteristics, [and] number of identified children” (p. 23). The funding would also be adjusted for inflation, reviewed annually for updates, and maintain a fairly steady flow of funds year-to-year; despite it being based upon a needs-based assessment.

In contrast to the current system, this “formula would not simply divide up a fixed pot” (Garrow, 2017, p. 23). Rather, First Nations with particular characteristics and needs (i.e. isolated, northern communities with little road access) would be provided with sufficient base funding, independent of other First Nations. As well as have access to a “special circumstances amount” (p. 23) which will be application-based and “cover the cost of students requiring at least one staff person or for other special circumstances” (p. 23). This new funding system, however, must be fundamentally different from the previous application-based process and “exceptional circumstances clause” (p. 24) which was featured within it. This is because the former was “subject to an overall cap” (p. 23), while the latter often was seldomly actually enacted; due to the Federal government’s ability to reject funding at their discretion.

In essence, a hybrid funding model “would require a fundamental change in the way that the federal government runs its program” because they would need to shift from firmly capping funds to a system which allows more fluctuation year by year. In many respects, this change is feasible and possible. Particularly as the report draws upon the open-ended funding models used within social assistance and student loan programs to justify it. Furthermore, the report also compares its proposed hybrid funding model to Ontario Provincial funding system which is formula-based and “provides significant additional funding to address small schools, non-English language learning, and remoteness” (Garrow, 2017, p. 28). With these reasons in mind, recommendation 6 of the report asserts that “that serious consideration be given to a hybrid funding model in which: A base amount for each First Nation would be determined using a formula constructed through a robust needs analysis based on factors such as student numbers, remoteness, community characteristics, number of identified children, and so on; and an additional special circumstances amount would be available to cover the cost of students

requiring at least one staff person or for other special circumstances, which could be accessed through a quick, easy, and predictable application process that provides multi-year funding and guaranteed amounts.

Expanding Funding. Within the INAC’s Special Education program, there is problematic language that is used to categorize students based upon both the assumed cost of their education and the perceived severity of their disability. To be eligible for funding within the program, students must have “high-cost special education needs” (Garrow, 2017, p. 31) and be identified as having ‘moderate to profound’ disabilities. As a result of these parameters, students who are labelled as experiencing ‘mild to moderate’ disabilities are not eligible to receive funding and as a result, are seen as having “low-cost” needs (p. 31). These terms are arbitrarily picked and confusing to define. As well, the terminology of ‘low-cost’ and ‘high-cost’ is not present within the Ontario provincial funding model, making it an unnecessary factor that First Nations school administrators must account for. Eliminating this terminology would be highly beneficial and as such, recommendation 7 suggests that funding eligibility be expanded to encompass “services for students with needs categorized as “low-cost” and “mild to moderate” (p. 33).

In addition to expanding eligibility for First Nations students who experience ‘mild to moderate’ disabilities, recommendation 7 also suggests expanding funding eligibility to encompass “all travel costs necessary for students to receive services, including travel for students, parents/guardians, and service providers” (Garrow, 2017, p. 33). Although travel costs may not be a major concern for First Nations within the southern part of Ontario and near metropolitan centers, First Nations within northern Ontario often face high costs when travelling to specialists/supports. In particular, the “costs can be very high, especially in fly-in First

Nations” (p. 32). The report states that some of these costs “should be covered under the existing program” (p. 32), however, it needs to be clarified so that this is explicitly clear for First Nations.

Finally, based on the current guidelines, the INAC Special Education program cannot cover costs associated with before and after school programming, respite care, and facilities maintenance/renovation. As well, funds cannot be spent on students living off-reserve, those under the age of four, and those over the age of twenty-one who experience disability and have not obtained a high-school diploma. Some of these ineligible groups are funded in other sectors, such as Early Childhood programming for those under 4, which is provided by Health Canada. However, “just because funding is available elsewhere for a service does not mean it is sufficient funding” (p. 33). In this respect, the report emphasizes that “First Nations should have the freedom to spend special education dollars as they choose to” (p. 33). And as a result, “services for students before school, after school, and in the summer; respite care; services for students not resident on reserve; services for students under 4 years old; services for students over 21 years old seeking a high school diploma; and facilities” (p. 33) should all be funded within the INAC special education program

Expanding funding to First Nations Organizations. Playing an important role in the facilitation of special education amongst First Nations, First Nations Organizations need to “be provided with sufficient, stable, and predictable funding” (Garrow, 2017, p. 35). Furthermore, though First Nations should ultimately have control of the funding provided to them, First Nations Organizations’ assisting in the facilitation and production of programming should be eligible for funds to be redirected to them if the First Nation so chooses to. Some of the processes First Nations Organizations can assist with are “assisting with program development, assisting with professional development, organizing conferences, creating a database of

specialists, and delivery of specialist services” (p. 34). As well, these organizations are equipped to help address structural and systemic issues, such as “locating specialized services” (p. 35), like Speech-Language Pathologists, or collaborating “with Aboriginal Institutes, universities and colleges to develop community-based or distance programs that could be delivered on reserve to encourage [the] training of local people” (p. 35). Therefore, recommendation 8 suggests

“that First Nations Organizations, such as tribal councils, PTOs, and the Chiefs of Ontario, [should] be provided with sufficient, stable, and predictable funding, including funding for functions such as program development, professional development, pooling of resources for service delivery, pooling of resources to access specialty services, and capacity building” (p. 35).

Coupling with this, recommendation 9 states:

That a simple process [should] be developed for First Nations to direct INAC to redirect funding amounts to First Nations Organizations that provide services or support to that First Nation should the First Nation so desire. See also Recommendation 4, which calls for sufficient funding for First Nations Organizations, and Recommendation 5, which calls for transparent, stable, and predictable funding.

Guaranteeing adequate and equitable funding. To conclude the Ontario First Nation Special Education Review Report’s (Garrow, 2017) section on Funding, recommendation 10 is directed towards securing a legally binding guarantee that the special educational needs of Indigenous are met. As well as ensuring that they have access to supports/services that are least, on-par with their non-Indigenous peer. Throughout much of this section, it is shown that (Disabled) Indigenous students are “at the mercy of unilateral federal funding and policy decisions” (p. 35). Through this, the Federal government can make “unilateral decisions to cut

and cap funding and cut entire programs” (p.35-36). This must change if we wish to ensure Disabled First Nations students are given adequate and equitable special education, on par with their non-Indigenous peers.

Within Ontario, “the provincial Education Act guarantees an appropriate special education for all children” (Garrow, 2017, p. 36). This means that “the Ontario Minister of Education is required by law to ensure that all children have appropriate special education programs and services available to them” (p. 36). Unfortunately, there is no equivalency to this in the federal system for First Nations and as result, there is no legal guarantee to ensure their children’s special education needs are met. Thus in recognition of this, recommendation 10 recommends “that a legally binding guarantee of adequate and equitable funding levels be enacted, including an explicit guarantee that funding be sufficient to ensure equality of special education outcomes between First Nations and other Canadian children” (p. 37)

Provincial Education Regulations

Pivoting from focusing on how the Federal Government of Canada can ensure Disabled Indigenous students have their special educational needs met, the report directs its attention toward provincial education regulations within Ontario. “Approximately 1 in 3 students living on reserve attend provincial schools governed by the Ontario Ministry of Education” (Garrow, 2017, p. 37). The inclusion of a vast number of Indigenous students within the provincially-ran schools heavily suggests that the Ontario government plays a major role in ensuring that Disabled Indigenous (First Nations, specifically) students receive appropriate special education services. To assist the Ontario Government in producing these changes, the recommendations (11-16) for this section are divided into four subsections which focus on ensuring charges to First Nations from provincial schools/boards are ‘fair and reasonable’; guaranteeing equality for First

nations students (living on reserve) who attend provincial schools; ensuring adequate services are provided to said students at provincial schools, and securing funding from the provincial school boards to allow for First Nations students living off-reservation to attend First Nations-ran schools if they so choose.

Ensure charges to First Nations are fair and reasonable. Unlike children living off-reservations, whose parental figures/guardians pay into their schooling through taxation, First Nations children living on-reserve must pay tuition for their education at provincial schools. In contrast to the Ontario provincial system, the burden of cost is moved from the ‘tax-payer’ to the First Nations community or federal government (who pays on the First Nation’s behalf). In some situations, First Nations have set up tuition agreements with neighbouring school boards through negotiations. Unfortunately, this is often not the case and in some situations “schools boards have been overcharging First nations for special education services” (Garrow, 2017, p. 37).

Within the current provincial funding model for education in Ontario, “school boards receive a fixed amount of funding per student for special education” (Garrow, 2017, p. 38) which “is included in the based tuition fee that school boards charge for each enrolled student living on reserve” (p. 38). Therefore, First Nations should only be paying this base tuition fee for all their students attending provincial schools. However, since “provincial school boards can also apply for student-specific funding for certain students with extremely high needs requiring at least two full-time staff persons or expensive specialized equipment” (p. 38) and First Nations students may have students who meet these parameters and do not qualify for this funding due to living on-reserve; the costs are shifted onto the First Nations community themselves. For a non-Indigenous student attending a provincial school with “extremely high needs” (p. 38), the funding available to them is capped at \$27,000. Though most school boards’ charges do not

exceed this for First Nations, the lack of a financial cap leaves this totally up to the discretion of the school board. Of whom can then require “the payment of additional charges even if the threshold for the provincial funding (e.g. two full-time staff persons) has not been met” (p. 38).

Making issues worse, a number of school boards “are overcharging by using staff paid for by First Nations to cover basic services that should be provided through normal Board resources” (Garrow, 2017, p. 38). Such as by redirecting First Nations’ paid staff who are supposed to provide culturally-based supports for all their students, to a select few First Nations students who need one-on-one support. Therefore, to address this mismanagement of First Nations’ staff within provincial schools, the report recommends through recommendation 11 “that the fees regulation under Ontario’s Education Act be amended to cap the fees that provincial school boards can charge for special education at the level that the school board would receive from the province for an equivalent resident pupil of the board.” (p.40). All while maintaining that “First Nations must continue to be able to negotiate for extra services above and beyond those normally provided by a school board” (p. 40).

Guaranteeing equality in provincial schools. Though the Ontario First Nations Special Education Review Report (Garrow, 2017) acknowledges that many provincial schools put in their due diligence to ensure that First Nations students are receiving the same level of quality education as their non-Indigenous peers, this is not ensured within the current Ontario Education Act. Without the legal requirements plainly stated within legislation, school boards are free to prioritize their ‘normal resident’ students over their students living on-reserve within both mainstream education and special education, such as during the “allocation of educational assistants” (p. 41). To prevent this from occurring, the report suggests recommendation 12 which states “That education regulations be amended to state that a board shall provide at least the same

level and quality of services to First Nations tuition-fee-paying pupils as it would to its resident pupils, including special education services.” (p. 41). By doing this, First nations can point toward clear and explicit legislation when holding provincial school boards accountable (and responsible) for meeting the special educational needs of their children.

Ensure adequacy of services in provincial schools. In connection with the previous section, recommendations 13, 14, and 15 are concerned with ensuring that services provided to (Disabled) First Nations students are adequate and facilitated properly. The report notes that “Although many First Nations children are receiving high-quality special education services in provincial schools, some are falling through the cracks” (Garrow, 2017, p.41). Largely because there is a lack of systems in place to ensure that services are being provided to these students—including in the area of active case management for special education supports. Some First Nations communities have begun utilizing “First Nations Education Counsellors” (p.41) to address this issue and have been successful. Recommendation 4 within the funding section includes extending funding to pay for the First Nations Education Counsellors, which encompasses the Federal government’s responsibility. Recommendation 13 on the other hand, addresses the responsibility that the Ontario Ministry of Education has, as they will be housing the staff. Therefore, recommendation 13 suggests “That the Ontario Ministry of Education work with First Nations and First Nations Organizations to develop a protocol for school boards to follow to better welcome, integrate, and support First Nations staff housed in provincial schools” (p. 42).

Recommendations 14 and 15 shift their focus slightly and direct their attention toward increasing support for parents and opportunities for First Nations to advocate on the behalf of their students. Similar to non-Indigenous parents, First Nations parents “play a pivotal role in

ensuring that their children are getting the special education services that they need” (Garrow, 2017, p. 42). Unfortunately, there are substantial barriers which often hinder their participation, such as the remoteness of communities and their proximity to schools. First Nations parents may also be less likely to actively participate in their children’s education because of language and cultural barriers. Including those that have arisen from Canada’s colonial past and present (i.e. Residential schooling); which may result in parents being unaware that they have the right to appeal decisions regarding their children’s education, as this has historically not been the case.

In an effort to assist parents, the report suggests that school boards should be “required to create a Parents’ Guide about the processes for the assessment of students with special needs and the rights of parents to appeal decisions about their children” (Garrow, 2017, p. 43) and make this readily available to First Nations with students enrolled within their schools. Though this is undoubtedly a positive step, parents still may feel unequipped (both knowledge-wise and economically) to advocate on the behalf of their children. Therefore, the report also suggests making amendments to the Ontario educational regulations that ensure First Nations have the right to be notified about decisions regarding special education services for their member students. As well as have the right to appeal said decisions, subject to parental consent, of course.

In doing this, the collective rights of First Nations communities will be recognized and parents will be more well-equipped to advocate for their children. Therefore, recommendation 14 suggests “A working group be struck to develop amendments to Ontario regulations to recognize the right of First Nations to be notified of decisions about the special education services to be provided to their members and to appeal those decisions, subject always to a parent’s right to override any actions by the First Nation in this regard and to opt-out of any future involvement by the First Nation.” (p. 43). While recommendation 15 states “That Ontario amend its education

regulations to require school board registration forms to authorize school boards to share student information with the relevant First Nation, notify the First Nation about special education identification and placement decisions, and allow the First Nation to appeal those decisions, all subject to a parent’s right to opt-out of these items on the registration form.” (p.45).

Tuition For Off-Reserve. To close this section on Provincial Education Regulations, the Ontario First Nations Special Education Review Report (Garrow, 2017) touches upon the issues stemming from tuition costs for Indigenous students living off-reserve who wish to attend a First Nations-ran school (on-reserve). Currently, there is no legal obligation for the Ontario Ministry of Education to redirect funds for a student who wishes to attend a First Nations school if they are not living within that community. This means that “fewer resources are available for all students in these First Nations schools” (p. 46) and that many eligible students are turned away because of “funding and jurisdictional issues” (p. 47). Though some neighbouring school boards make agreements with First Nations to redirect funds, this process is often lengthy, over cumbersome, and leaves much discretion up to the school board.

This process is also noted to be highly problematic for Disabled Indigenous students who participate in special education, as there may be additional costs associated with meeting their educational needs and First Nations schools may not be able to admit them without additional funding. In an effort to fix this, the report suggests a simple solution by making two small amendments to the Ontario Education Act which allow for funds to flow from one jurisdiction (i.e. provincial school) to another (i.e. First Nation school) without the need for special agreements between boards. As such, recommendation 16 states “that the Ontario Ministry of Education [must] direct tuition funding for students who reside off-reserve and who wish to attend or are attending a First Nations school to the First Nations school if no agreement has

been reached for a school board to flow funds to the First Nations school, and to amend education regulations to allow this if necessary” (Garrow, 2017, p. 48).

Special Education in Northern and Isolated First Nations

Unlike southern First Nations communities like Six Nations of the Grand River or the Mississaugas of the New Credit (both located within Haldimand Country) which are in somewhat close proximity to metropolitan hubs, many northern and isolated First Nations face exacerbating challenges regarding the facilitation of special education. Within northern and isolated communities “costs are extremely high, specific education professionals are scarce, and the needs are great” (Garrow, 2017, p. 48). In many respects, northern and isolated First Nations communities face financial barriers that go beyond those from southern communities due to the limited resources available within close proximity and the minimal infrastructure. With this in mind, families from these First Nations communities may be required to pay “thousands of dollars in flights and hotel costs, plus additional fees to cover travel time” (p. 48) if they wish to receive support/assessments. Thus, recommendation 17 suggests that the “funding levels for northern, remote and isolated First Nations reflect the actual costs of providing high-quality special education services based on actual needs, including funding for special costs faced by these First Nations” (p. 48-49).

Though designing a funding process which encompasses travel costs is a beneficial solution for the time being, it does not address the need for long-term, in-house support staff that are needed for the facilitation of special education. Unfortunately, in addition to the issues which stem from isolation within northern communities; many First Nations communities also do not have the infrastructure to house special education staff. This is where recommendation 18 comes in, as it is suggested that “funding for teacher housing (i.e. teacherages) should be sufficient to

provide adequate housing for special education staff” (Garrow, 2017, p. 49). Though this is only a temporary solution, as preferably First Nations community members would be facilitating special education within their communities, it is a needed step for addressing the immediate needs of Disabled Indigenous students within these communities.

Finally, recommendation 19 also is focused on funding to a degree, though it is geared toward supporting First Nations organizations in developing systems which will enable northern and isolated First Nations to build the capacity and institutional infrastructure needed for special education. Through this recommendation, the report calls for special support and funding for organizations like the Keewaytinook Okimakanak Board of Education (who serve the Fort Severn, North Spirit Lake, Deer Lake, Poplar Hill, and Keewaywin First Nations), as organizations like them can assist in connecting northern and isolated First Nations together and with the necessary supports.

Access to Special Education Staff and Specialists

Though discussed in previous sections of the Ontario First Nations Special Education Review Report, Access to Special Education Staff and Specialists is given its own section due to the vast gap currently present and the immediate need to fill said gap. Routinely, First Nations communities throughout Ontario cannot find qualified special education staff; even when there is available funding. To address this issue, the report suggests that “additional funding and resources are needed to train [First Nations] local members” (Garrow, 2017, p. 16). As well, it emphasizes the important role Aboriginal (Indigenous) Institutes (such as Seven Generations Education Institute or Six Nations Polytechnic) will play in training these community members— due to their ability to provide post-secondary education and practical training within their communities (in-person or remotely).

To allow for Aboriginal Institutes to produce and deliver culturally appropriate post-secondary training for First Nations communities, the INAC’s Post-Secondary Partnership Program must also be reviewed. In doing so, the INAC can “ensure that projects relating to special education staff and specialists would satisfy the assessment criteria (particularly regarding labour market need) and would be provided with sufficient funding.” (Garrow, 2017, p. 50-51). Though this review of the INAC’s Post-Secondary Partnership Program is beyond the scope of the Ontario First Nations Special Education Review Report, both recommendations 20 and 21 suggest that this needs to occur.

Recommendation 20: That the federal government increase funding to First Nations organizations and Aboriginal Institutes to develop and deliver programs for local community members to obtain qualifications to become special education staff and specialists, including the development of specific targets (e.g. re graduation numbers, percent of on-reserve positions filled by graduates, etc.). This is required throughout the province, but a special focus on on-reserve and distance learning for members of remote and isolated First Nations is needed. Funding should be available to the Aboriginal Institutes and other organizations. (p. 51)

Recommendation 21: That the Ministry of Advanced Education and Skills Development continue to increase its financial and other support for Aboriginal Institutes and other First Nations organizations developing and delivering postsecondary programs for special education staff and specialists. (p.51)

Early Childhood Education and Program Coordination

Connecting with the previous section, securing changes to Early Childhood Education and Program Coordination is necessary to achieve adequate and equitable First Nations Special

Education. Most prominently as special education is reliant upon identification and assessment to produce adequate interventions/supports; all of which are best completed early on in life. The report suggests that “with screening and simple observation in pre-school programs, all children entering kindergarten would already have received support and their needs would already have been identified” (Garrow, 2017, p. 52). Though this is arguably a true statement, this is not often happening for many First Nations children “because there is no comprehensive program for early childhood education for pre-school age children” (p. 51). Through a “patchwork of non-comprehensive programs” (p. 51), Health Canada, who is responsible for Early Childhood Education for First Nations communities, is only able to reach a small amount of First Nations children. And as such, many First Nations children go without early screening and intervention.

To respond to this ongoing issue, recommendation 22 suggests “that programs for First Nations early childhood education be improved so they are comprehensive, easy to access, available to all First Nations children, and seamlessly coordinated with other education programs” (Garrow, 2017, p. 52). To ensure that these programs are in fact comprehensive and accessible, the report suggests that funding for special education programming (including early identification/screening and intervention) should be available for children under the age of four. As well that the responsibility for early childhood education should be shifted from sectors related to health to sectors related to education; similar to how it is done within the Ontario provincial system.

By shifting responsibility to sectors related to education, the report also wishes to address its 23rd recommendation which is concerned with providing “programs for outside-the-classroom support” (Garrow, 2017, 53). These outside-the-classroom programs encompass “case management, before and after school programs, respite care, home care, summer programs, and

home renovations for accessibility” (p. 53). The current INAC Special Education funding system does not account for these services, rather they are funded partially by Health Canada and partially by a plethora of other potential grants. Such as the current Indigenous Services Canada Capital Facilities and Maintenance Program which funds the construction and maintenance of facilities/buildings (Canada, 2009). Therefore, the report urges that “funding, coordination, and access to these kinds of programs must be improved” (p. 53).

In addition to recommendation 23’s call for programs for outside-the-classroom, recommendation 24 is directed toward the INAC and providing “funding for a First Nations-led working group to assess options regarding coordination and potential consolidation of federal and provincial government programs for First Nations students with special needs” (p. 53).

Though quite broad in scope, this working groups review could be focused on “improving access to programs and services, clarifying responsibilities, and eliminating gaps between programs”. (p. 53). As well, it could clarify what government agencies are responsible for providing services. Which would then enable First Nations to hold the government accountable when these services are delayed or denied.

Facilities, Reporting, & Funding Cycle

The final section of the report is concerned with the facilities within First Nations, the reporting and data collection systems used within the current INAC special education program; and the funding cycle currently in place. As mentioned within the Funding section, many First Nations communities do not have sufficient facilities to provide high-quality special education services. Even when facilities are available they are often in a state of disrepair and plagued by infrastructural issues (i.e. poor ventilation, overused portables, mould). To be able to adequately accommodate Disabled Indigenous students, these immediate infrastructural issues must be met.

However, “sufficient funding...for adequate classroom space, accessible bathrooms, lifts, hoists” (Garrow, 2017, p. 54) must also be provided. To justify this, the report draws upon “*Shannen’s Dream* for safe and comfy schools” (p. 54) and the need for Disabled (and all) Indigenous children to be educated within their communities and amongst their peers. Particularly, as this will enable the transmission of traditions and cultural practices and allow for nondisabled Indigenous children to “socialize with [First Nations] children with special needs” (p. 54).

Data Collection, Reporting, and Funding Cycles. The report states that the reporting and data collection system currently used within the INAC special education program is difficult to interpret and unverifiable. In addition to this, there is little actual analysis done of the data collected because funding is provided to First Nations in a “secretive, top-down” (Garrow, 2017, p. 18) manner. First Nations communities and organizations are invested in the data which the government collects and as such, need access to the core data and the analysis. However, the current system does not make this possible and rather burdens First Nations communities further through inadequate reporting systems, inaccessible documentation, and arbitrarily set dates.

To animate the reporting burdens First Nations face within the current INAC special education program, the report mentions the major report that is due in May. The major report is completed via a document which is populated with fields that First Nations must fill in. Unfortunately, these “fields are often not flexible enough to describe many unique situations” and must be filled in manually each year; regardless of if last year’s data would be sufficient. To make matters worse, students are also categorized numerically; ultimately adding an additional unnecessary burden for First Nations administrators.

In contrast to the hoops First Nations communities must jump through during reporting, the “provincial data collection systems are integrated with the administration programs used by

schools” (Garrow, 2017, p. 55), which results in majority of their data being reported, “with little more than the click of a button” (p. 55). The provincial systems also receive funding which aligns with the school year, while First Nations do not. Instead, the “funding year starts on April 1st, seven months into the school year” (p. 56). This leaves First Nations schools to “hold back enough funding to cover the first 7 months of the next school year without knowing how many students they will have with special needs that year” (p.56). Undoubtedly an accounting disaster, these arbitrarily picked funding cycles add another unnecessary hurdle to achieving adequate special education funding.

Since data collection and analysis are undeniably important, particularly because they are one way to “ensure that we are closing the education and financial gaps”, there must be significant modification to the current system. To address this, the Ontario First Nations Special Education Review Report (Garrow, 2017) suggests that an overhaul of the INAC special education program must occur alongside a complete overhaul of the data collection system for the education sector. Though designing said system is beyond the scope of the report, the following recommendations are provided to lay the framework for what this new system may look like.

Recommendation 25: That INAC provide First Nations organizations with funding to participate in the design of a new data collection system, to implement that system, and to analyze and use the data collected in that system based on OCAP principles. (p.56)

Recommendation 26: That INAC assist in the creation of a new data collection system for the special education program that is: (a) designed and implemented by First Nations; (b) streamlined, efficient, and flexible for First Nations administrators; (c) accurate; (d) centered around key outcomes, such as closing the education gaps; (e) coordinated with

other reporting and data collection instruments; (f) tied to mechanisms to bring about improvements to programs and services; and (g) under First Nations administration and control. (p. 56)

Finally, to conclude this section and the Ontario First Nations Special Education Review Report (Garrow, 2017), the target dates for implementation are provided— all of which have passed.

Recommendation 27: That implementation occur by the following target dates: prior to the 2017-2018 school year for recommendations regarding policy or regulatory changes (#s 1, 2, 7, 9, & 11-16); prior to the 2018-2019 school year for the creation of a new funding model and new reporting system (#s 3-6, 8, 10, 17-19, & 25-26); during this fiscal year for additional funding to flow for First Nations organizations to develop and deliver programs to train special education staff and specialists, with target timelines to meet specific targets to be determined by the relevant First Nations organizations (#s 20 & 21); and prior to March 31, 2018 for the completion of a First Nations-led proposal regarding the consolidation and coordination of federal/provincial special education programs and March 31, 2019 for the implementation of that proposal (#s 22-24). (Garrow, 2017, p.57).