

BC TRIPARTITE EDUCATION AGREEMENT (BCTEA) Joint First Nation Student Transportation Plans Questions and Answers (Q&As) as of February 12, 2019

The BC Tripartite Education Agreement (BCTEA) sets out how British Columbia, the First Nations Education Steering Committee, and Canada will work together to support the successful educational outcomes of all First Nations Students, regardless of where they live or are enrolled in school in British Columbia. The Parties recognize that reliable transportation to school is a significant barrier to improved educational outcomes for First Nations Students and will work together as set out in BCTEA Schedule G to ensure First Nation Students have transportation services to BC Public Schools.

The following Q&As are informed by questions received from the field in response to the Joint First Nation Student Transportation Plan application package sent to Boards of Education on February 1, 2019.

The following definitions from the BCTEA support common interpretation of the Q&As:

- “First Nation Student” in BCTEA means a student who is ordinarily resident on reserve in BC and is eligible to be on the Nominal Roll.
- “Nominal Roll” means the registry of all eligible elementary and secondary students ordinarily resident on reserve and funded by Canada to attend a band-operated, federal, provincial, or private/independent school. To be eligible for the Nominal Roll, a student must be:
 - i. enrolled in a band-operated, federal, provincial, or a private/independent school (including E-learning institutions and Alternative/Outreach schools) recognized by the province in which the school is located as an elementary/secondary institution;
 - ii. a school- student aged 4 to 21 years on December 31 of the school year in which funding support is required and enrolled in Kindergarten 4 through grade 12, or an adult student age 18 and over and enrolled in an Adult Graduation Diploma program, on December 31 of the school year in which funding support is required; and
 - iii. ordinarily resident on reserve; and a student who is ordinarily resident on reserve land that is leased is not eligible to be on the Nominal Roll unless that student is a registered Indian.
- “Ordinarily resident on reserve” means that the student usually lives at a civic address on reserve, is a child in joint custody who lives on reserve most of the time or is staying on reserve and has no usual home elsewhere. Students continue to be considered ordinarily resident on reserve if they return to live on reserve with their parents, guardians or maintainers during the year, even if they live elsewhere while attending school or working at a summer job. (In this context, reserves are deemed to include all land set aside by the federal government for the use and occupancy of an Indian band, along with all other Crown lands which are recognized by Canada as settlement lands of the Indian band of which the student is a resident).

BC TRIPARTITE EDUCATION AGREEMENT (BCTEA) Joint First Nation Student Transportation Plans Questions and Answers (Q&As) as of February 12, 2019

1. Will implementing the First Nations Student Transportation Plans (Joint Plans) create different levels of services for different students?
 - British Columbia, Canada, and the First Nations Education Steering Committee (the “Parties”) recognize that the gap in educational outcomes between First Nations Students and non-First Nations Students is a persisting legacy of colonialism and concerted efforts and proactive measures are required to eliminate this gap and contribute to reconciliation in education. This acknowledgement is central to the spirit and intent of the BCTEA and has been enshrined in its Guiding Principles.
 - In some school districts, implementing Joint Plans will drive service enhancements for First Nations Students that may not be available to non-First Nations Students.
 - As we move forward collaboratively to address transportation issues for First Nations Students attending BC Public Schools, it is important that the Parties consider and strive to be consistent with the Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples, recognizing that a distinctions-based approach is needed to ensure that the unique rights, interests, and circumstances of Indigenous peoples in B.C. are acknowledged, affirmed, and implemented.
 - First Nations Students who live on-reserve are often required to travel significantly longer-than-average distances to and from BC Public Schools. In some cases, these commutes are unsafe and require First Nations Students to navigate hazardous wildlife and adverse weather conditions. The remoteness of First Nations communities must be accommodated in the interest of equality and in recognition of the Parties commitment to improving outcomes for First Nations Students.

2. Are Boards of Education (Boards) that do not have any First Nations within their School District boundaries required to develop Joint Plans?
 - Any Board with one or more First Nation Students attending their BC Public School who are ordinarily living on-reserve, and requiring transportation to that BC Public School, must develop and submit a Joint Plan.
 - If a Board does not have any First Nations requiring transportation for First Nation Students to a BC Public School, it does not need to submit a plan.

3. How is the First Nation Student Transportation Fund calculated?
 - According to BCTEA Schedule G (2.2), the base amount for the First Nation Student Transportation Fund for the 2019/20 School Year will be equivalent to the amount of the Student Location Factor in the Operating Grant Manual in the 2018/19 School Year, paid by Canada for First Nation Students. Consistent with Schedule G (3.6),

BC TRIPARTITE EDUCATION AGREEMENT (BCTEA) Joint First Nation Student Transportation Plans Questions and Answers (Q&As) as of February 12, 2019

other transportation-related factors that Canada pays to BC will be included (e.g., Transportation Supplement).

- The First Nation Student Transportation Fund has been set aside from the total amount of funding that Canada provides on behalf of First Nation Students attending BC Public Schools. In other words, the Fund will be seeded by existing money. Boards and First Nations apply to the Fund by submitting a Joint Plan.

4. How will local application of the Student Location Factor be calculated?

- Funding will be determined by the Joint First Nation Student Transportation Committee (Joint Committee) based on need and consistency with the Guiding Principles for Developing Joint First Nations Student Transportation Plans (Guiding Principles), criteria, and expectations shared by Boards and First Nations. Once the Joint Plan and budget have been approved by the Joint Committee, Canada will pay the total amount of the funds to BC (based on the value of approved plans) and the Ministry of Education will oversee the distribution of funds to Boards to implement approved Joint Plans.

5. What about students of First Nation ancestry who are ordinarily resident off-reserve? Should both ordinarily on-reserve and off-reserve First Nations Students be included in the Joint First Nation Student Transportation Plan?

- A First Nation Student in the Joint Plan context refers to a student who ordinarily lives on-reserve, is eligible to be on the Nominal Roll, and attends a BC Public School operated by a Board of Education.
- Therefore, only students who ordinarily live on-reserve, are eligible to be on the Nominal Roll, and are attending BC Public Schools should be included in the Joint Plan.
- Transportation for students living off-reserve should be addressed separately and through other funding mechanisms that may be implemented by the Board.

6. Do the transportation requirements under BCTEA apply to self-governing or treaty nations?

- Not all First Nations are covered by BCTEA. First Nations with treaties or self-government agreements are not covered by BCTEA, though they may choose to access certain services.
- Boards should work together with any First Nation that is interested in a Joint Plan, including any Treaty or Self-Governing First Nations who expresses an interest.
- The BCTEA Parties are finalizing details for how First Nations not covered by BCTEA

BC TRIPARTITE EDUCATION AGREEMENT (BCTEA) Joint First Nation Student Transportation Plans Questions and Answers (Q&As) as of February 12, 2019

will be able to access the First Nation Student Transportation Fund should they choose to do so. Details will follow as soon as possible.

7. What happens in School Districts that charge courtesy rider fees?
 - Courtesy rider fees may not be applied to First Nations Students.
8. How will safety concerns such as walking on highways, remote drop offs, and wildlife be addressed?
 - Safety is paramount in all planning and decisions. Safety concerns need to be addressed during discussion between Boards and First Nations and be addressed in the development of the Joint Plan.
 - In keeping with the Guiding Principles, wherever possible, there will be no highway pick ups or drop offs.
 - Consideration could take place for parental assistance being provided to transport First Nation Students to/from a community bus stop location and/or pick up and drop off locations being closer to the First Nation Student's home.
 - Other options that combine safety, reasonableness, and/or shared services should also be considered.
9. How should Boards respond to concerns about adverse weather conditions, such as road conditions and snow removal, which fall under jurisdiction of the municipal government?
 - In keeping with the Guiding Principles, a communications protocol will be established and agreed upon in the Joint Plan to ensure effective and timely communications to address issues that arise (e.g. travel disruption due to inclement weather) and method of preferred communication (e.g. cell phone, radio/satellite communication).
 - Boards and First Nations may also consider working with local government to find ways, where possible, to optimize or share services to improve safety, efficiency and effectiveness in these areas.
10. Should capital funding submissions for bus shelters, etc. be submitted separately?
 - If transportation capital implications are identified by the Board and First Nation in their planning process, please clearly outline them in a separate document for further consideration by the Joint Committee.
11. How does the procurement of transportation services intersect with rules

BC TRIPARTITE EDUCATION AGREEMENT (BCTEA) Joint First Nation Student Transportation Plans Questions and Answers (Q&As) as of February 12, 2019

regarding the contracting out of public sector services?

- Local collective agreements need to be honoured in any services agreed to as part of the Joint Plan.
- Some Boards do not have contracting out clauses in their collective agreements and may be able to employ First Nations members or third-party contractors to provide services.

12. Can an existing bus service provided by a First Nations be incorporated into a Joint Plan?

- Same as Question 11.
- Boards must honour their collective agreements but may have opportunity to engage the First Nation to provide transportation services, including bus service.
- Some Boards do not have contracting out clauses in their collective agreements and may be able to employ First Nations members or third-party contractors to provide services.

13. What about transportation for extracurricular activities?

- Consistent with the Guiding Principles, transportation for extracurricular activities needs to be addressed by the Board and First Nation in the development of the Joint Plan.
- Boards may already have services or funding arrangements in place for First Nation Students in these situations that the Board and the First Nation may choose to include in their Joint Plan.

14. Are co-curricular trips – e.g., classroom, whole school – included as “extracurricular” trips?

- The purpose of the Joint Plan is to ensure First Nations Students are able to attend school by being transported to and from a BC Public school safely and enable participation in extracurricular activities outside of school hours.
- Co-curricular trips that take place within the school day should be addressed separately and through other policy and/or funding mechanisms that exist under the auspices of the Board.

15. We have First Nations Students who ordinarily reside on-reserve outside of our school district, board with families off-reserve within our school district and attend public schools in our school district. Should we include these

BC TRIPARTITE EDUCATION AGREEMENT (BCTEA) Joint First Nation Student Transportation Plans Questions and Answers (Q&As) as of February 12, 2019

students in the Joint Plans that we agree to with First Nations?

- Yes, these students should be included in the Joint Plan.

16. We have First Nations Students from within our school district boundaries who board at homes within the school district, usually in town, during the school week so that they are closer to school. Should transportation assistance be provided to the Student's in-town guardians so that they can transport them to school, even if they are within the school catchment? Or should we include those Students in the bus service?

- The purpose of the First Nation Student Transportation Fund is to ensure all First Nation Students ordinarily resident on-reserve and enrolled in BC Public Schools get to and from those BC Public Schools.
- Details associated with the above areas need to be addressed during discussion between Boards and First Nations and addressed in the development of the Joint Plan.
- Walking school bus, transportation assistance and bus service are options that could be explored among others.

17. Worksheet A, Step 4 instructions ask for supplemental information on the transportation services levels currently being provided to First Nation Students. Where do we document this?

- Current transportation services can be documented directly in the Worksheet A next to Step 4, in a separate document or in Worksheet B. If Worksheet B is used, please clearly indicate the agreement status at the top of the spreadsheet (as appropriate).