

BC Tripartite Education Agreement – Transportation 2020/21 Joint Plan Questions and Answers

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 school districts and First Nations over the last year. If you have additional questions, please contact Denise Evdokimoff, Project Director, Ministry of Education, at denise.evdokimoff@gov.bc.ca

Definitions

The following definitions from the BCTEA apply to this document:

“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:

- 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;
- 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 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
- 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).

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1. Will implementing the First Nation 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 equity and in recognition of the Parties commitment to improving outcomes for First Nations Students.
- It is recognized that, due to the factors identified above, First Nation students often face unique transportation challenges - true equity means acknowledging and accommodating these different needs.

2. Are Boards of Education (Boards) that do not have any First Nations Students 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 there are no First Nations student requiring transportation to school in the school district the school district does not need to develop or submit a joint plan.

3. How is the First Nation Student Transportation Fund calculated?

- In August 2019, the Parties advised Boards and First Nations that an interim approach will be taken for the 2019/20 school year. School districts were to plan on maintaining existing service levels and the billing arrangements for transportation services that were in place in the 2018/19 school year. The Parties then explored options, as part of a Letter of Understanding, to provide additional funding to bridge the gap between

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planned service improvements (e.g. to/from school, extracurricular, capital for buses and shelters as identified in the Joint Plans) and existing service levels in place. That funding was secured and is now part of the Transportation Fund. Joint Plan approvals were provided to Boards and First Nations in late 2019. **This interim approach will be carried over for the 2020/21 school year Joint Plans.**

- According to the letter regarding Interim approach to implement First Nation Student Transportation Fund:
 - ✚ The Student Location Factor, Supplemental Student Location Factor and Student Transportation Fund, outlined in the Provincial Operating Grants Manual and Summary of Grants Tables will remain in the First Nation Student Rate;
 - ✚ Additional funding will be used to level up between existing spending/services and approved Transportation Plans, with services being phased in when funds become available;
 - ✚ Canada will fund the necessary increase to the First Nation Student Transportation Fund in the amount of up to \$3.8M consistent with its obligations in section 3.6 of Schedule G, which includes reducing travel times and extending services to and from school, required special supports and transportation for extracurricular activities;
 - ✚ FNESC will make available funding up to \$700K in total for block-funded First Nations that opt into the Transportation Fund process from existing funds that were set aside for this purpose; and
 - ✚ The Ministry of Education will administer the supplemental funds as a special grant under section 115(a) of the School Act

4. **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.

5. **Do the transportation requirements under BCTEA apply to Self-Governing or Treaty First Nations?**

- First Nations with treaties or self- government agreements are currently not part of the First Nations Student Transportation Fund approach as they are not covered by BCTEA; however, they may choose to access certain services through a separate negotiation process.

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6. Can School Districts charge courtesy rider fees for First Nations Students?

- Courtesy rider fees are not applicable to First Nations Students.

7. 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.

8. How should Boards respond to concerns about adverse weather conditions, such as road conditions and snow removal, which fall under jurisdiction of a 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.

9. Should capital funding submissions for yellow buses and bus shelters, etc. be submitted separately?

- The Ministry committed one-time capital funding to school districts for bus acquisition requests related to the 2019/20 Joint Plans.
- Requests for bus acquisitions for the 2020/21 school year should go through the Ministry's Bus Acquisition Program. Due to the Bus Acquisition Program procurement cycle, approved buses will be available for the 2021/22 school year.
- Operational funding associated with the requested buses should not be included in 2020/21 Joint Plans. If the bus request is approved, costs should be included in 2021/22 Joint Plans to align operational costs associated with the actual bus delivery.
- Funding for shelters is unlikely to be available for the 2020/21 Joint Plans. To / from, extracurricular and special supports are being prioritized as outlined in the Letter of Understanding around the interim approach.

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10. How does the procurement of transportation services intersect with rules 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.

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

- Same as Question 10.
- 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.

12. 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.
- Through the August 2019 Letter of Understanding, the Parties agreed that transportation funding to enhance participation by First Nations students in extracurricular activities for the 2019/20 school year will be handled separately from “to/from school” and capital. This allows for capture of data on how the funds are being used which will help inform a more permanent approach to this area of transportation (i.e. number of students, frequency and type of activity). A capped portion of the Transportation Fund (\$1 million) was proportionately allocated to all school districts to enhance the ability for First Nation Students to participate in extracurricular activities. **This same approach will be used for the 2021/21 Joint Plans** As explained in previous correspondence funding carried forward from 2019/20 (not used) will be factored in when determining allocations for 2020/21.

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

- No, 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.
- 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.

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- 14. 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 students in the Joint Plans that we agree to with First Nations?**
- Yes, these students should be included in the Joint Plan.
- 15. 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.
- 16. 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).
- 17. Is the funding approved in the 2019/20 submissions additional funding to the existing funding available in 2018/19?**
- Yes, the funding approved in the 2019/20 Joint Plans was supplemental to any existing funding or baseline that school districts were spending on transporting First Nation’s Students. Please note that the funding is supplemental and not meant to replace existing funding.
- 18. If operational funding was approved in the 2019/20 plan, will it be automatically made available for 2020/21? For example, if a school district implemented additional or improved bus routes will the funding continue to support these new routes?**
- Yes, operational funding for to / from expenditures will continue. However, like all funding, the amount is subject to approvals and could change in future years.

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19. Will the school bus driver's compensation / wages and/or other operating costs that were removed from our 2019/20 submission be reinstated when we receive our bus for the 2020/21 school year?

- Yes, if costs associated with operating a bus were removed from the 2019/20 submission, the identified costs will be reinstated to correspond with the delivery of buses to those applicable school districts. Please include these costs in your 2020/21 submission.

20. How do we revise our 2019/20 submission?

- If through consultation and agreement the 2019/20 Joint Plan is not meeting the needs of the First Nation and revisions to services and funding are required for 2020/21, resubmit the original plan, clearly noting the changes/updates. **Please note, additional funding is not guaranteed and is subject to approval.**

21. Will there be additional BCTEA funding for buses?

- Requests for buses through the 2020/21 Joint Plans will be through the established Ministry of Education application-based Bus Acquisition Program. Please note that the Bus Acquisition Program is for school district assets only and is restricted to "yellow fleet" buses.

22. Are administration fees for school districts to administer the Joint Plans permitted?

- No, administration fees should not be embedded or listed separately as operating costs in the 2020/21 Joint Plans. Administration fees are part of regular operations and not to be identified separately as related to the transportation of First Nations students.

23. Are training costs for courses such as cultural sensitivity permitted?

- No, training costs should not be embedded or listed separately as operating costs in the 2020/21 Joint Plans. Cultural training is something that should be provided to bus drivers as part of regular operations, and not be solely related to the transportation of First Nations students.

24. Will transportation by taxi be approved?

- No, but funding on a mileage basis was approved in 2019/20 and could be utilized towards taxi fares.