

**Funding an Unfulfilled Promise:  
First Nations Jurisdiction over Education in  
British Columbia**

by

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## **Abstract**

In 2006, the First Nations Education Steering Committee signed an agreement with Canada and British Columbia to secure First Nations jurisdiction over education in BC—the *Education Jurisdiction Framework Agreement*. This agreement marked an important point in First Nations in British Columbia’s efforts to create an education system under their own control. Despite initial optimism, progress on the implementation of the agreement stalled over funding.

Given this stalemate, the purpose of this study is two-fold: first, to provide a better understanding of the current state of education jurisdiction negotiations in British Columbia; and second, to examine education funding models to assess their appropriateness for funding First Nations’ education jurisdiction. Formula and needs-based funding models are examined and assessed using a values-based criteria analysis. An appropriate model to provide adequate funding and ensure an equitable education system for First Nations learners is identified and recommended.

**Keywords:** First Nations education; sectoral self-government; self-government negotiations; funding.

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## List of Acronyms

AANDC	Aboriginal Affairs and Northern Development Canada (formerly known as Indian and Northern Affairs Canada (INAC), and the Department of Indian Affairs (DIA). When quoting, these have not been changed.)
AFN	Assembly of First Nations
EJFA	Education Jurisdiction Framework Agreement
FNESC	First Nations Education Steering Committee
FNRMO	First Nation Regional Education/Management Organization
FNSA	First Nations Schools Association
ICIE	Indian Control of Indian Education – the 1972 policy document of the National Indian Brotherhood.
INAC	Indian and Northern Affairs Canada
NIB	National Indian Brotherhood
OSR	Own Source Revenue
TEFA	Tripartite Education Framework Agreement

## Glossary

Sectoral self-government	Self-government over a sector, e.g. education.
Education Jurisdiction Framework Agreement	The umbrella agreement between FNESC, Canada, and British Columbia about First Nations jurisdiction over K-12 education. Also used to refer generally to the suite of agreements that define First Nations education jurisdiction.

## Executive Summary

When asked how they would describe the state of First Nations education jurisdiction in British Columbia, one interviewee for this study who was involved in the jurisdiction negotiations responded that it is “an unfulfilled promise.”

First Nations education jurisdiction is a First Nation’s legal right to control and make decisions and laws regarding their members’ education. First Nations have never ceded jurisdiction, but have been unable to exercise it due to colonization. Restoring First Nations’ control over education through jurisdiction is thus a crucial part of reconciliation.

In 2006, after several years of negotiations, the First Nations Education Steering Committee (FNESC), representing First Nations in British Columbia, signed the *Education Jurisdiction Framework Agreement* with Canada and British Columbia. This agreement provides a means for First Nations to assume jurisdiction over K-12 education. Despite initial optimism following the signing of the agreement, progress on its implementation stalled over funding. Accordingly, this study examines how First Nations education jurisdiction should be funded.

This study is supported by three methodologies: a literature review, a qualitative document analysis of the education jurisdiction agreements and the Tripartite Education Framework Agreement (TEFA), and key informant interviews with stakeholders and academic experts.

I review and analyze the discourse and key issues surrounding First Nations education as discussed by academics, First Nations stakeholders, and governments. At the macro level, issues surrounding First Nations education can be divided into issues of structure and funding. Structural issues include constitutional entanglements relating to the division of powers with the Province of BC having responsibility for education and the Government of Canada having responsibility for First Nations; devolution of schools to First Nations; the meaning of control over education; provincial comparability; and economies of scale and aggregation.

First Nations in British Columbia have joined together to overcome structural obstacles and provide quality education to their learners. First Nations in British Columbia are coordinating their efforts to support the K-12 First Nations education system through two collective organizations: the First Nations Education Steering Committee (FNESC) and the First Nations Schools Association (FNSA). Operating on the principle of First Nations control of First Nations education, FNESC and FNSA have together created the foundations for a strong First Nations education system in British Columbia and many of their programs are relevant to jurisdiction. I analyze the education jurisdiction agreements, TEFA, and related documents to establish the scope of jurisdiction.

I transform First Nations' objectives for education, ascertained through interviews and the literature review, into values criteria. These criteria are: predictability and stability; adequacy; equity; First Nations stakeholder acceptability; and administrative complexity. The criteria are used to assess four policy options: the TEFA, which is the current First Nations education funding model in British Columbia; an improved TEFA; a needs-based funding formula; and a base funding + Full Time Equivalent (FTE) allocation model. Although the base funding + FTE allocation model marginally outperforms the needs-based funding model, the latter is less of a departure from the status quo and therefore may be more politically feasible to implement. Both options advance substantive equity in First Nations' education. Further research into both models is recommended to determine projected funding requirements of each option.

# Chapter 1.

## Introduction

*Numerous studies and commissions that examine 'Indian Education' have been conducted over the past two centuries. However, the larger society has continually failed to recognize that schooling involves cultural negotiation. People of colour worldwide have always recognized the need for education—that is not the debate. The divergence occurs around the concept of 'education.'*

Brenda Tsioniaon LaFrance (2000, 101)

For much of the history of Canada, in both the colonial period and residential school era, education has been used as a tool of colonization to assimilate Aboriginal peoples and destroy their cultures. A level of cultural negotiation in the conceptualization of education will necessarily be a part of First Nations assuming jurisdiction over the education of their members. Restoring First Nations' control over education through jurisdiction is thus a crucial part of reconciliation.

First Nation education jurisdiction is a First Nation's legal right to control and make decisions and laws regarding their members' education. Accordingly, First Nations have the right to establish and maintain their own school system, including the development of their own culturally appropriate curricula, teacher certification, education standards, and awarding credentials. First Nation jurisdiction over education is an inherent Aboriginal right<sup>1</sup> protected under section 35 of the *Constitution Act, 1982* and affirmed by the United Nations *Declaration on the Rights of Indigenous Peoples* Article 14 to which Canada is a signatory. Moreover, as Deborah Jeffery, a member of the Lax

<sup>1</sup> Especially in British Columbia where no treaties were signed and those that were (i.e. the Douglas Treaties) are not honoured by the federal government. There is discussion of whether education is an inherent right or treaty right in numbered treaties that include provisions for education. This discussion is beyond the scope for this study.

Kw'alaams First Nation and executive director of the First Nations Education Steering Committee (FNESC), contends, "First Nations have never given up our inherent right to self-government, which includes our right to develop, manage and maintain our own education systems. ... Jurisdiction is something that we've always had over our citizens and communities."<sup>2</sup> However, with the rise of missionary schools beginning early in the colonial period and the consolidation of federal Indian policy into the *Indian Act* in 1876, the federal government usurped First Nations' education jurisdiction.

The stated objective of Aboriginal Affairs and Northern Development Canada's Primary/Secondary Education Program is "to provide eligible students living on reserve with education programs comparable to those that are required in provincial schools" (AAANDC, Evaluation, Performance Measurement and Review Branch, 2012, 1). In contrast to provincial education systems, First Nations education on reserve has historically lacked secondary (e.g. school boards) and tertiary (e.g. Ministry of Education) level supports. In fact, the Standing Senate Committee on Aboriginal Peoples states bluntly that "... no *system* of education exists for First Nations elementary and secondary education on reserve in Canada" (2011, 57, emphasis in original). Further contributing to the lack of an education system is the fact that "Although still legally and constitutionally responsible for education, for the past 30 years, the Department [of Aboriginal Affairs] has largely limited its role to one of funding education services" (Standing Senate Committee on Aboriginal Peoples, 2011, 11).

Existing educational structures thus do not appear to be serving Aboriginal children well. Aboriginal people face worse socio-economic outcomes than non-Aboriginal Canadians, including a significant disparity in educational attainment. This is in no small part a result of colonization, including colonial education. Education reform emerged as a priority among First Nations across Canada with the National Indian Brotherhood's 1972 policy statement, *Indian Control of Indian Education*. In British Columbia, First Nations have made strides in overcoming the structural obstacles facing education delivery on reserve by creating a First Nation education system. In 2006, the FNESC signed an agreement with Canada and British Columbia to secure First Nations

<sup>2</sup> Interview by author, February 11, 2015.

jurisdiction over education in BC—the *Education Jurisdiction Framework Agreement* (EJFA).<sup>3</sup>

The *Education Jurisdiction Framework Agreement* would seem to be the fulfillment of the National Indian Brotherhood's 1972 policy *Indian Control of Indian Education*. FNEESC jurisdiction negotiator Christa Williams recalled the optimism that ensued following the successful tripartite cooperation, the signing of the resultant agreement, and the passing of its federal and provincial enabling legislation (Williams, 2011). In fact, the EJFA is cited by some First Nations education commentators as a promising model of First Nations jurisdiction over education (Mendelson, 2009; Rae, 2009).

Despite this initial optimism, progress on the implementation of this agreement stalled in 2010 over funding. Despite the 2012 Tripartite Education Framework Agreement, which provides funding to support some aspects of the education jurisdiction agreement, there is still no funding agreement to support First Nations' education jurisdiction; accordingly First Nations lack the funds to exercise their jurisdiction.

Given this stalemate, the purpose of this study is two-fold: first, to provide a better understanding of the current state of education jurisdiction negotiations in British Columbia; and second, to examine education funding models to gauge their appropriateness for application to funding BC First Nations' education jurisdiction. As such, my research questions are: Can First Nations effectively exercise jurisdiction for education in the absence of suitable transfer arrangements? How should First Nations' exercise of education jurisdiction be funded? What kinds of transfer arrangements might provide effective support while preserving First Nations' responsibility and authority?

FNEESC works to advance quality First Nations education of all learners whether in the provincial education system or First Nations schools. Accordingly, the education jurisdiction agreement establishes consultation obligations between the province and

<sup>3</sup> Note that this is not the federal government *granting* First Nations jurisdiction over education.



First Nations. The focus of this capstone, however, is exclusively on education in First Nations schools.

Ultimately, I hope this research will be beneficial both to First Nations pursuing funding arrangements to enable their assumption of jurisdiction and to federal government negotiators.

## **1.1. Structure of the Capstone**

This study begins by giving background on First Nations education in Canada and reviews the discourse and key issues surrounding First Nations education as discussed by academics, First Nations stakeholders, and governments. Chapter 3 outlines the methodology of the study and its limitations. Chapter 4 examines how First Nations in British Columbia have established the foundations for a First Nations education system, analyzes the provisions of the education jurisdiction agreement and the current state of education jurisdiction negotiations. Chapter 5 examines the objectives of a First Nations education system under First Nations jurisdiction and the requirements for a supportive funding model. Chapter 6 outlines the current method of funding First Nations education in British Columbia and three alternative policy options. It then evaluates the policy options according to the criteria and measures set out in Chapter 5. Chapter 7 concludes with the policy recommendation, considerations and avenues for future research.

## **Chapter 2.**

### **Background and Literature Review**

There are many debates and perspectives about First Nations education, arising from the fact that the disparity in educational achievement between Aboriginal and non-Aboriginal students is a significant and complex policy problem. Student achievement is itself a complex area that includes pedagogy and socio-economic factors. While improving First Nations students' outcomes is at the heart of the matter of First Nations education jurisdiction and the design of education systems, a review of the literature pertaining to student outcomes is beyond the scope of this study. This chapter provides background on First Nations education in Canada and reviews the ways in which First Nations education has been discussed by academics, First Nations stakeholders, and governments. Chapter 4 focuses more specifically on First Nations in British Columbia.

At the macro level, issues surrounding First Nations education can be divided into:

1. Structure, which includes all elements necessary to create an education system, such as governance authority and administrative institutions, but also the entangled constitutional space in which First Nations education finds itself.
2. Funding.

#### **2.1. Structure**

There is effectively no disagreement that First Nations schools lack an education system (Matthew, 2000; Mendelson, 2009; Paquette and Fallon, 2010; Rae, 2009; Standing Senate Committee on Aboriginal Peoples, 2011; Williams, 1997). First Nations schools typically serve small student populations and are operated independently—that

is, without the support of an overarching school system. Although an education system is not a panacea, many agree that it is a crucial part of improving First Nations students' educational outcomes (Mendelson, 2009).

### **2.1.1. The Role of Secondary and Tertiary Services**

Before continuing discussion of education systems, it is important to define what constitutes an education system. Modern Canadian education systems are comprised of three parts, each playing an essential role:

#### **1. Schools**

Schools are the primary unit of the education system. In addition to teachers, schools typically have administrative staff, including principals, which support teaching and learning by undertaking the day-to-day management of the school.

#### **2. Secondary Services (i.e. School Boards/School Districts)**

School boards are the first level of “organizational infrastructure” of a school system (Mendelson, 2009, 4). As an intermediary between schools and the Ministry of Education, school boards are involved in provision of second level services. School boards implement provincial policies at the local level through their management of the schools under their authority as well as deliver specialized services at the district level to obtain economies of scale (c.f. Guthrie, Springer, Rolle, and Houck, 2007, 73). An example of the latter would be a school board that employs a speech therapist for all the schools in its district.

McCue (2006) identifies three categories of second level services: educational services, professional services, and administrative services. Educational services include such items as the development and delivery of programs and curricula, including the adaptation of provincial curricula to meet local needs, ensuring program standards are met, establishment of the school calendar, and determination of the placement of students (McCue, 2006, 63). Professional services include professional development and supports for teachers. Administrative services include human

resources, financial management, maintenance and management of schools, and governance (e.g. overseeing long-term strategic plans for improving such things as literacy and graduation rates).

### 3. Tertiary Services

In the provincial school system, tertiary services are undertaken by the Ministry of Education. Ministries of Education manage the whole education system. Tertiary services are comprised of high-level policy, such as developing province-wide curricula, determining educational outcomes to be achieved, granting diplomas, and teacher certification. The BC Ministry of Education's functions can be grouped into five categories: Government Policy, Finance, Governance, and Legislation; Educational Programs; Management Services; Educational Support Services; and Communication (Matthew, 2000, 40).

A complete education system is comprised of all of these three levels (McCue, 2006). In the provincial education system the roles and responsibilities of each constituent element are outlined in the province's education act. As discussed in further detail below, the *Indian Act* remains the only legislative basis for First Nations education and its provisions are not suited to modern education needs, including creating a supportive education system.

According to Mendelson (2009), secondary and tertiary services "... are much more than added layers of bureaucracy" (4). One of the roles of second and third level services is to oversee long term planning. As such, Mendelson (2009) contends that second and third level service institutions are what make a grouping of schools into an education *system*. Without these supports, the First Nation's band council must typically assume some of these roles for which they may lack the capacity. As discussed further below, some academics (Mendelson, 2009; Paquette and Fallon, 2010) contend that individual First Nations' small sizes prevents them from effectively administering secondary services and that aggregating secondary and tertiary services could achieve economies of scale.

Second and third level services are crucial to education jurisdiction because they form part of the education governance structure inasmuch as they develop education policy and curricula to guide the direction of First Nations education.

### **2.1.2. First Nations Education in Canada**

Having outlined the three elements of a modern education system, First Nations across Canada largely lack second and third level services—through no fault of their own—and thus lack any education *system*. This section briefly details the constitutional underpinnings and history of how First Nations education in Canada developed without an effective system in order to contextualize the present situation in which First Nations are seeking to assume jurisdiction over education. It then reviews discussions around issues in First Nations education, giving particular attention to the meaning of control, provincial comparability, and economies of scale and aggregation.

#### ***Constitutional Entanglements***

The constitutional foundation of Canada was laid without the participation of Aboriginal peoples. Only two orders of government, the federal and provincial levels, were recognized and provided for in the constitution. Aboriginal peoples and governments were subsumed as a responsibility of the federal government under Section 91(24), which assigns the federal government responsibility for “Indians, and Lands reserved for the Indians.” How the federal government would manage its responsibility for Indians was set forth in 1876 with the creation of the *Indian Act*.

Section 93 of the constitution designates education as a provincial responsibility. However, federal responsibility for Indians has been interpreted as having paramouncy over the provincial responsibility for education. Hence, as Wilson (2007) argues, these “conflicting and overlapping areas of jurisdictional responsibility for the education of First Nations peoples” create a “jurisdictional gray zone” (249), with the implication that it is unclear where responsibility for First Nations education rests.

An important distinction in designating responsibility for the education of First Nations students is their residency. In practice, the federal government has assumed

responsibility for the education of Indians to mean it is responsible for First Nations students ordinarily resident on reserve. As such, if a First Nations student who is ordinarily resident on reserve goes to a provincial school, the province charges the federal government for the cost of schooling. The province is otherwise responsible for educating students, meaning that First Nations living off-reserve are a part of the provincial school system.

A recurring theme is thus that the education of First Nations people, although a federal responsibility, is entangled with the provincial jurisdiction over education.

### ***Indian Control of Indian Education***

The year 1972 represents a watershed moment in the history of First Nations seeking jurisdiction over education. That year the National Indian Brotherhood (NIB) issued a policy paper, *Indian Control Over Indian Education* (ICIE), in which First Nations across Canada joined together and asserted their right to control the education of their children. ICIE was formulated in part as a response to the 1969 White Paper, which proposed eliminating the *Indian Act* and with it abolishing Indian status and Aboriginal rights to make Aboriginal people “equal” with non-Aboriginal Canadians. With regard to education, Aboriginal students would be transferred into the provincial school systems. The White Paper’s education proposal was in line with the federal government’s re-examination and evolution of Aboriginal policy since the 1940s and shifting its education policy away from residential schools (cf. White and Peters, 2009).

The federal government officially adopted the principles of ICIE, but as Paquette and Fallon (2010) argue, “the policy’s implementation would prove more symbolic than real” (79). Nevertheless, ICIE marked a point where the federal government agreed to cede control over education by devolving administrative responsibility to First Nations. Abele, Dittburner, and Graham (2000) characterize the period 1967-1982 (bookended by the Hawthorn Report and the patriation of the constitution), as one where “There was a move from thinking of education as a means for assimilation to thinking of it as a means for the revitalization of Indian cultures and economies” (8).

The schools that First Nations assumed control over were not part of an education system. When AANDC devolved control of schools to First Nations, the Department cut its staff – staff that provided second-level administrative services to schools (Young, 2000). In fact, AANDC appears to have made no effort to establish a First Nations education system, leaving communities to cope in delivering education without second or third-level supports. As Harvey McCue (2004) contends, “Devolution, like local control of education, transferred a range of INAC programs from the department to communities with few if any intervening institutions or structures to assist communities with issues of capacity to tackle the programs’ administrative and operational complexities” (4). AANDC effectively limited its role to that of simply being a funder, as it does little educational programming other than establishing funding programs through Treasury Board funding authorities.

The fact that the *Indian Act* constitutes the only legislative basis for First Nations education effectively creates a legislative gap. Sections 114-122 of the *Indian Act* pertain to education, but date from the era of residential schools and are unsuitable for today’s educational requirements. The *Indian Act’s* education provisions deal with enforcing attendance, truancy, denomination of the teacher, and vesting regulatory power in the Minister of Indian Affairs. Unlike provincial education acts, the *Indian Act* does not establish an education system that includes second and third-level services, nor does it set educational standards. This has contributed in part to the federal-provincial entanglement in First Nations education as AANDC requires that First Nations schools provide education such that students may transfer to the equivalent grade in the provincial school system without academic penalty. Such a requirement effectively applies the provincial curriculum to First Nations schools. This does not, however, make First Nations schools a part of the provincial education system. Part of the challenge that First Nations have inherited in assuming control of education is establishing an education system.

### ***The Meaning of Control***

Abele, Dittburner, and Graham (2000) argue that part of the issue complicating the discourse about First Nations’ jurisdiction over education has been what “control”

means. The interpretation of control is important because it delineates the scope of the jurisdiction that First Nations assume over education.

Harvey McCue (2004) is critical of the ICIE's conception of control for being "Admittedly ... short on details in terms of what actually constituted 'Indian control'" (4). While "control" may not have been precisely defined, a reading of ICIE reveals an outline of the types of roles and responsibilities that would constitute First Nations' control of education. Moreover, one must remember that ICIE was presented as principles that should underlie First Nations' education, not the final word on the matter. By advocating for First Nations' control of education, the NIB was not saying there was no role for the federal government. ICIE called for working in partnership with the federal government in order to establish a First Nations education system.

In ICIE, the NIB called for "parental responsibility" and "local control" over the education of First Nations children. Parental responsibility was defined as "control of education with the responsibility of setting goals" (NIB 1972, 3). The goal of First Nations education as articulated in ICIE is to provide children with a solid grounding in their Aboriginal identity and culture while enabling them to participate and thrive in society at large. Local control according to ICIE would be to vest "total or partial authority for education on reserves, depending on local circumstances," in band councils but "always with provision for eventual complete autonomy, analogous to that of a provincial school board vis-à-vis a provincial Department of Education" (NIB 1972, 27). According to ICIE, bands would be empowered to create local education authorities with the power to manage education funds and the ability to make decisions regarding education. The education authority's responsibilities listed as examples in ICIE (NIB 1972, 6-7) are what would be classified as second level services. Although ICIE advocates for First Nations as "the first party" (NIB 1972, 27) in First Nations education, it does make provisions for tripartite agreements with the federal and provincial governments. Moreover, the federal government retains its legal responsibility to provide education, including its responsibility to fund education.

As mentioned above, ICIE was accepted by AANDC as the basis for program devolution to First Nations communities. With program delivery devolution, First Nations



arguably gained administrative control of education at the local level, but there seems to be consensus among various sources that devolution did not yield an education system nor meaningful First Nations control of education (McCue, 2004; Rae, 2009; Standing Senate Committee on Aboriginal Peoples, 2011; Wilson, 2007).

The reason that these sources argue that devolution has not yielded First Nations control of education is that the federal government retains control over funding, while the stipulation that First Nations students receive education such that they be able to transfer to the equivalent grade in the provincial school system effectively gives the province control over content and curriculum (Fallon and Paquette, 2012). McCue (2004) argues that devolution “provided an illusion of control” and that “devolution never equalled control” (4). In its assessment of First Nations education, the Standing Senate Committee on Aboriginal Peoples (2011) found that “‘Indian control’ has often meant little more than First Nations administration of federal education programs and policies” (8). McDonnell and Depew (1999) argue that devolution “... had little to do with dispersing autonomy. Rather, it has involved Indians assuming the federal role of administering and managing programs, without being granted any decision-making control over policy and legislative scope” (355).

First Nations’ administration of AANDC-directed educational programming is what Rae (2009) terms “self-administration.” Rae contends that the key distinction between self-administration and self-government is jurisdiction – that is, “recognized legal jurisdiction over areas of responsibility as an equal partner in the Canadian federation” (2009, 3) that enables First Nations to make meaningful decisions about program delivery and design. Control, then, is not merely administering education programming on behalf of the federal government, but being able to make meaningful decisions regarding its content and delivery.

Abele, Dittburner, and Graham (2000) argue that the 1988 Assembly of First Nations (AFN) publication of *Tradition and Education* “reflects a clear shift from thinking about control in terms of authority and devolution to thinking about control in terms of self-government” (15). *Tradition and Education* reiterated ICIE, but recast the arguments in terms of the inherent right to self-government (Abele, Dittburner, and Graham, 2000).

Education was now seen as a critical way to build capacity in order to become self-governing. Moreover, it is in this way that control of education becomes thought of as an area of jurisdiction and that jurisdiction, being a domain of governments, in turn leads to Aboriginal self-government. It is in this vein that BC First Nations through FNEC pursued education jurisdiction negotiations.

### ***Provincial Comparability***

AANDC's stated objective for its Primary and Secondary Education program is "to provide eligible students living on reserve with education programs comparable to those that are required in provincial schools" (Evaluation Performance Measurement, and Review Branch, 2012, 1). In practice, provincial comparability has been interpreted in two ways that are significant for education jurisdiction<sup>4</sup>: requiring First Nations schools to adopt the provincial curriculum and ensuring a comparable level of funding.

The high rate of mobility of the First Nations population on and off reserve is cited as a reason for having education on-reserve mirror the provincial public school system to ensure ease of transfer between systems for these students. The AFN (2012) rejects transferability as a form of comparability between systems and questions it as a goal of First Nations education under AANDC. Provincial comparability of curriculum has also been criticized by a number of academics. For instance, Carr-Stewart and Steeves (2009) argue that although the federal government espouses a commitment to providing comparable education to First Nations, First Nations education is "a fractured image of the provincial system and does not furthermore build on the Indigenous education practices, culture and languages of Canada's First peoples" (2). Effectively, the federal government talks the talk of providing comparable education, but does not put its money where its mouth is. Fallon and Paquette (2012) question the appropriateness of provincial comparability arguing that using the provincial curriculum curtails the exercise of First Nations jurisdiction over curriculum. Requiring provincial comparability effectively gives the provinces control of curriculum in First Nations education. Wilson (2007) finds

<sup>4</sup> A third way in which comparability is discussed is in comparability of outcomes, that is, comparability of graduation rates and other educational attainment metrics. Statistics show that First Nations students have lower graduation rates than non-Aboriginal students.

the requirement of provincial comparability problematic as this is a curriculum that was “not designed to meet the needs of First Nations people or communities” (249).

Indeed, while First Nations schools can and do incorporate language and culture into their curriculums, provincial comparability assumes that the provincial curriculum is an appropriate benchmark. Provincial comparability also ignores that the provincial education system may have its own deficiencies. This touches on two views of Aboriginal education, parallelism versus integrationism (Widdowson and Howard, 2013), that are found in the literature concerning educational curriculum. The parallelist view envisions an Aboriginal education system distinct from the non-Aboriginal system structured on its own terms. The integrationist approach rejects parallelism, favouring a single “scientific and humanistic educational system” (Widdowson and Howard, 2013, xiv). Calliou (1999) reminds us that curriculum is political. The insistence on the provincial curriculum being the basis of First Nations education is decidedly an integrationist thrust. Meanwhile the push for First Nations jurisdiction over education is parallelist. Widdowson and Howard (2013) try to reconcile this debate by positing that the two views in fact form a spectrum.

With regard to comparability, the AFN (2012) advocates for comparability of access to education programs and services rather than a focus on comparability of funding, comparability of outcome (such as graduation rates), or transferability with the provincial system. Comparability of access to education programs and services would not mean using the provincial curriculum, but rather ensuring that First Nations students have access to similar programs and services within a First Nations education system.

### ***Economies of Scale and Aggregation***

“Economies of scale” is an economic concept that when firms achieve a particular size, they can economize on costs. The goal of achieving an economy of scale is efficiency in the use of resources and delivery of public services. An issue with First Nations education, however, is that many First Nations communities are small with many fewer students than even small provincial schools (Matthew, 2000). As a result, many First Nations face diseconomies of scale, meaning that they would face increased costs

for providing the same level of education. In education, economies of scale are used to advocate for increased size of schools and school districts.

Some academics such as Mendelson (2009) and Paquette and Fallon (2010) contend that individual First Nations are too small to administer secondary services and that economies of scale could be achieved by aggregating the delivery of secondary and tertiary services. Mendelson (2009) focuses on structure and financing of First Nations education but seems intent on creating efficiencies and economies of scale. Graham (2003) argues that the evidence that economies of scale in non-Aboriginal government contexts is mixed and that there is no “‘ideal’ size” for government (3) and therefore the common argument for aggregation, economies of scale as the main purpose of aggregation is dubious. This argument could be extended to educational administration and governance. Paquette and Fallon (2010) argue for “functional” (79) aggregation of First Nations education, especially at the level of secondary and tertiary services, because they view First Nations as too small to be able to undertake these aspects of education. Paquette and Fallon are critical of ICIE because “... the authors of the ICIE failed, in our view, to take meaningful account of the impact of diseconomies of scale on the ability of ‘local’ First Nations communities to shape and direct their own distinctive educational programs” (2010, 78). Without functional aggregation, Paquette and Fallon do not believe that First Nations can have meaningful control over education (2010, 93). Similarly, the thrust of policy recommendations in Drummond and Rosenbluth (2013), the National Panel for Elementary and Secondary Education for Students on Reserve (2012, hereafter “National Panel”), and the Standing Senate Committee on Aboriginal Peoples (2011) is to find ways to aggregate individual First Nation schools so that they can benefit from economies of scale.

While limited financial resources undoubtedly need to be spent wisely, too much focus on economies of scales and aggregation can obscure other objectives of developing a First Nations education system and First Nations jurisdiction. A significant difference between First Nations education and provincial education systems according to McCue (2006) is the source of authority. Authority in a provincial system flows downward from the ministry of education, whereas in a First Nations education system, jurisdiction rests with the individual First Nation and hence authority would flow upward

to any aggregate second and third level service entities (McCue, 2006). Therefore, unless entered into voluntarily with full consent, aggregating secondary services seems to contravene First Nations' right to self-determination. Rae (2009), however, argues that "a self-governing First Nation does not have to do everything itself—it may *choose* how it wants to conduct governance and administer services and may choose to do either or both of these things with other communities" (20, emphasis in original). Rae refers to this as "delegate[ing] up" (21). Therefore it is possible for First Nations to achieve economies of scale in a manner that respects their rights to self-determination and self-governance.

Instead of aggregation to achieve economies of scale, the concept of 'necessary small schools' emphasizes that there are other benefits to preserving small schools. "Necessary small schools" is a designation used in the United States for schools that are typically in remote locations where transporting these students to a larger school is not a viable option (Guthrie, et al., 2007, 183). Additionally, Levačić and Ross (1999) argue that small schools may generate "external social benefits from preserving rural communities" (41). This latter argument is especially relevant to preserving First Nations schools even if they are small. A community school would promote cultural revitalization, which is a goal of First Nations education.

'Aggregation' has connotations of amalgamation. In contrast, 'collaboration' implies cooperation, possibly greater respect while working together, and emphasizes that jurisdiction rests with the individual First Nations in the collaborative arrangement. It should be noted (as do Paquette and Fallon, 2010), that First Nations already collaborate in many respects, including education. In British Columbia, First Nations already collaborate to a degree regarding education through the First Nations Education Steering Committee and First Nations Schools Association. Further discussion of how First Nations have collaborated to create the basis for a First Nations education system is a subject covered in Chapter 4.

## 2.2. Funding

Closely related to structural matters of a First Nation education system is that of funding. If an education system's structure is the root, then funding is the fertilizer that nourishes it and allows it to grow and flourish.

Comparisons of funding levels between the provincial system and First Nations schools yield uncertain results of questionable value. Comparability of funding between the First Nations and provincial systems would seem to be a simple means of assessing adequacy of funding. Funding is assessed between First Nations schools and provincial schools of similar sizes in similar regions or by comparing amounts provided per full time equivalent (FTE) student. These comparisons are not straightforward, however, because of the different ways in which provincial and First Nations education are funded (AANDC Evaluation, Performance Measurement, and Review Branch, 2012; Drummond and Rosenbluth, 2013; Matthew, 2000; Richards and Scott, 2009). Difficulty arises in comparing provincial and AANDC education funding because of differences in the funding formulas which do not necessarily have equivalent line items. The result is that there is a debate about whether there is a funding gap between First Nations education as compared with the provinces.

Regardless of the debate, AANDC programming has been subject to a 2 percent cap on yearly increases since 1996. This funding constraint is compounded by the population growth among First Nations. Between 2006 and 2011, the population of Aboriginal peoples in Canada grew by 20.1%, with First Nations representing 60.8% of the total Aboriginal population (Statistics Canada, 2013). Moreover, the Assembly of First Nations (Tremblay, 2001; AFN, 2010) has consistently cited inadequate funding as a barrier to exercising education jurisdiction.

Despite the funding gap debate, some policy commentators are in agreement that funding likely plays a part in resolving the issues in Aboriginal education but doubt that increasing funding to the current system of First Nations education would be effective (Mendelson, 2009; Drummond and Rosenbluth, 2013).

Perhaps because of its quantitative nature, funding level can inadvertently become the focus of the discussion in First Nations education in and of itself as opposed to assessing whether the funding itself is adequate. In this way, much of the discussion about First Nations education focuses on the comparison between First Nations and provincial education system funding. Moreover, these discussions assume that the provincial funding formula is appropriate for comparison. Instead of focusing on funding parity between the systems, Drummond and Rosenbluth (2013) argue that the focus should be on the comparability of outcomes rather than comparability of inputs (funding). They suggest that closing the educational attainment gap would in fact require an increase in funding above the provincial level. The National Panel on First Nation Elementary and Secondary Education for Students on Reserve arrived at similar conclusions in their 2012 study.

Indeed, the issue of comparability between systems is problematic because First Nations face a massive gap to make up in terms of educational attainment and establishing an education system. In transferring jurisdiction or control to First Nations they are not assuming jurisdiction over an already established and well-functioning education system. As Williams argues in a 1997 discussion paper for FNEESC, “The needs would not be so great if First Nations were starting at a level at least on par with other Canadian citizens, however, this is not the case” (45-46). Thus, as Drummond and Rosenbluth (2013) argue, it seems very likely that to build a First Nations education system that yields outcomes comparable to students in the provincial system would require increased investment—at least initially.

In an attempt to determine the cost of providing quality education, Marie Matthew in a report prepared for FNEESC in 2000 applied the provincial funding model to two theoretical First Nations schools of typical sizes: an elementary school and an elementary/secondary school. FNEESC uses the provincial funding model as research-based and up-to-date in terms of the real cost of services. The report finds that First Nations education funding would increase substantially if it was funded at the same levels as provincial schools – by 141% in the elementary school and by 170% in the elementary/secondary school (Matthew, 2000, 6). While using the provincial funding model as a starting point, FNEESC criticizes the provincial model as inadequate for First

Nations schools. The provincial funding model is based on a full time equivalent (FTE) student funding formula for core funding and supplementary grants. Using a per FTE funding formula disadvantages small schools as they would get smaller allotments of funding (Matthew, 2000, 34). Even though a small First Nations schools serve fewer students, they still need to provide a range of secondary and tertiary services. Matthew argues that the per FTE formula assumes economies of scale (Matthew, 2000, 34). Moreover, even the smallest provincial schools are usually much larger than typical First Nations schools, which are generally very small.

Recent analysis on First Nations education funding has been undertaken in the context of making recommendations for a national First Nations education act to replace the *Indian Act's* educational provisions.<sup>5</sup> First Nations in British Columbia participating in the jurisdiction agreement negotiated through FNEC are taking a provincially-based approach. Nonetheless, some funding recommendations in the literature would appear to be applicable to the British Columbia First Nations education jurisdiction agreement.

There seems to be unanimity among commentators, including the AFN, that funding for First Nations education should be made statutory (AFN, 2012; Standing Senate Committee on Aboriginal Peoples, 2011; Drummond and Rosenbluth, 2013; Medelson, 2009; National Panel, 2012). None of these commentators provide much detail on the design of the statutory funding. Mendelson (2009) suggests that the statute could include an override mechanism to allow the government to review the level of funding. Drummond and Rosenbluth (2013) recommend that the statutory funding be both indexed for inflation and include a population growth factor. With these measures in place, Drummond and Rosenbluth (2013) assert that First Nations education funding “would have a similar structure as the major transfers from the federal government to the provinces and territories. ... [which] seems appropriate to reflect that in many respect the education agreement would be like a ‘government-to-government’ arrangement” (22).<sup>6</sup>

<sup>5</sup> The Government of Canada introduced Bill C-33 First Nations Control of First Nations Education in February 2014. The Bill was stayed in May 2014 after overwhelming controversy and opposition.

<sup>6</sup> The purpose of treaties and self-government agreements are to recognize First Nations as an order of government in Canadian federalism, thus I argue such a funding arrangement would in fact be “government-to-government” and wholly appropriate.



The principal benefits of statutory funding according to commentators is that it would provide stable, predictable, and sustainable funding that would enable longer term education planning. Moreover, the benefit of statutory funding is that once the funding formula is determined, it depoliticizes the determination of the amount of funding.

Another common funding recommendation for First Nations education is that it be based on provincial funding (Mendelson, 2009; National Panel, 2012). Neither Mendelson (2009) nor the National Panel (2012) provide much discussion on the appropriateness or applicability of the provincial funding model to First Nations education. It seems to be an assumption, as discussed above, that providing comparable education implies comparable funding. However, as Matthew states in her 2000 report for FNEESC applying the provincial funding formula to First Nations schools, the provincial funding levels are assumed to be evidence-based and reflective of current costs. It seems somewhat contradictory that Matthew critiques the provincial funding model as inadequate for application to First Nations, but then proposes changes to the First Nations funding scheme based on provincial funding model. Perhaps the key to bear in mind is that the provincial funding model may provide accurate information on the cost of services, but that First Nations schools may require different quantities and types of those services than provincial schools.

In contrast to those commentators that recommend using the provincial funding formula, Drummond and Rosenbluth (2013) recommend assessing “what would be necessary to achieve comparable outcomes in First Nations education and then figur[ing] out what that will cost under an efficient system that is needs-based and has good governance structures” (21). However, Drummond and Rosenbluth do not elaborate any further on how to determine need for a needs-based funding model. As mentioned above, however, they do emphasize that achieving comparable outcomes may require more funding than the provincial model.

## Chapter 3.

### Methodology

Over the last forty years, many academics—Aboriginal and non-Aboriginal alike—have studied the matter of First Nations education. The literature review reveals that the majority of these works consider education at the national level and propose reforms that will apply to First Nations across Canada. Sectoral self-governance over education has not attracted much attention from academics and policy researchers, perhaps because few First Nations to date have pursued such an initiative.<sup>7</sup> First Nations in British Columbia, organized through FNEESC, have pursued education jurisdiction as a sectoral initiative. This initiative is the subject of this study.

This study examines how First Nations education jurisdiction in British Columbia should be funded. To answer this question I examine the tripartite process of negotiating the education jurisdiction agreement. This capstone is not a critique of the content of the *Education Jurisdiction Framework Agreement*. I take as given the jurisdiction agreement negotiated between Canada, British Columbia, and First Nations as represented by FNEESC.

The question of how First Nations education jurisdiction should be funded is really an examination of the objectives and values of a First Nations education system. As such, a qualitative approach was deemed most suitable to address the research questions: Can First Nations effectively exercise jurisdiction for education in the absence of suitable transfer arrangements? How should First Nations' exercise of education

<sup>7</sup> The Mi'kmaw of Nova Scotia concluded an education sectoral self-government agreement in 1997.

jurisdiction be funded? What kinds of transfer arrangements might provide effective support while preserving First Nations' responsibility and authority?

### **3.1. Research Methodology**

This study is supported by three methodologies: a literature review, a qualitative document analysis of the education jurisdiction agreements and TEFA, and key informant interviews.

The literature review serves to establish the background and present the context of First Nations education in Canada, as well as to uncover funding models and best practices to inform the policy options proposed. The literature review is comprised of the available academic literature, government documents, and publications of relevant Aboriginal organizations (e.g. FNESC, FNSA, and the AFN).

Whereas the literature review is national in scope, I establish the context and current state of First Nations education in British Columbia through a document analysis of the suite education jurisdiction agreements: FNESC's annual reports, and other relevant documents. These agreements include the *Education Jurisdiction Framework Agreement*, the *British Columbia-First Nation Education Agreement*, the *Canada-First Nation Education Jurisdiction Agreement*, and the template *Canada-First Nation Education Jurisdiction Funding Agreement*. I examine the texts of the 2006 education jurisdiction agreements and the Tripartite Education Framework Agreement, as well as FNESC's annual reports to determine the scope of education jurisdiction and current state of the negotiations and implementation. As the *Education Jurisdiction Framework Agreement* is relatively recent and not yet fully implemented, it has not yet been the focus of any studies. To overcome this limitation, this study makes use of in-depth key informant interviews.

The goal of the key informant interviews is to supplement the literature review, gain a better understanding of the present state of jurisdiction in British Columbia, and aid in the assessment of the proposed policy options. There are three groups of interviewees:

1. *First Nations stakeholders.* FNEESC represents its interested member First Nations in education jurisdiction negotiations. I sought interviews with FNEESC, rather than individual First Nations, as the organization represents a majority of First Nations in British Columbia. FNEESC is at the center of jurisdiction negotiations and implementation and provides a broad, higher-level perspective surrounding jurisdiction in British Columbia. I conducted an interview with Deborah Jeffrey, a member of Lax Kw'alaams First Nation, and the executive director of FNEESC, who has been involved in the jurisdiction initiative over the years.
2. *Academics specializing in Aboriginal policy and Aboriginal education policy specifically.* I conducted two interviews: One with an academic expert in Indigenous education; and another with an academic with decades of professional political and policy experience, including as British Columbia's Deputy Minister of Aboriginal Affairs.
3. *Federal and Provincial Government Stakeholders.* I conducted an interview with Don Avison who was the chief negotiator for British Columbia during the tripartite education jurisdiction negotiations. Prior to his position as chief negotiator, Avison had been Deputy Minister of Education in British Columbia. I sought interviews with AANDC analysts, but none would agree to speak with me on the record.

## **3.2. Limitations**

Information limitations impacted the scope of this project in two ways:

First, limited information available about First Nations who have implemented education jurisdiction prevented me from using case studies as a methodology. Because few First Nations have pursued sectoral self-governance over education, British Columbia First Nations are considered as being at the forefront of First Nations jurisdiction. The Mi'kmaw First Nations assumed education jurisdiction in 1997 through Mi'kmaw Kina'matnewey, a provincial-level organization. The Anishinabeg in Ontario are

also negotiating education jurisdiction provisions as part of a self-government agreement.

Related to the question of *how* First Nations education jurisdiction should be funded is the question *how much* funding an effective First Nations education system requires. I was unable to examine this quantitative question as nominal roll data is not publicly available. Lack of such quantitative information thus prevented me from calculating projections of how much funding is needed.

## **Chapter 4.**

### **First Nations Education in British Columbia**

Although AANDC's current program design does not establish a complete education system, First Nations in British Columbia have joined together to overcome this obstacle. This chapter first details British Columbia First Nations' efforts to establish a First Nations K-12 education system through the formation of the First Nations Education Steering Committee and the First Nations Schools Association. This chapter then examines the 2006 *Education Jurisdiction Framework Agreement* (EJFA) and 2012 *Tripartite Education Framework Agreement* (TEFA). This chapter concludes with a snapshot of the present state of education jurisdiction negotiations.

#### **4.1. Establishing a First Nations Education System**

First Nations in British Columbia are coordinating their efforts to support the K-12 First Nations education system through two collective organizations: the First Nations Education Steering Committee (FNESC) and the First Nations Schools Association (FNSA).

Formed in 1992, and established as a formal independent non-profit organization in 1999, FNESC's purpose is to advocate for quality First Nations education at the provincial and federal levels as well as to liaise with member First Nations with the intent of improving education both on and off reserve. At the time of its creation, FNESC's mandate was "To facilitate discussion about education matters affecting First Nations in BC by disseminating information and soliciting input from First Nations" (FNESC, 1998, 3). FNESC represents approximately 100 First Nation communities across British Columbia. Although an independent organization, FNESC reports on education matters

to the First Nations Leadership Council, which consists of the BC AFN, First Nations Summit, and Union of BC Indian Chiefs (UBCIC).

FNSA was formally created in 1996 and approximately 98% of the 130 First Nations schools in British Columbia are members (FNEESC/FNSA, 2014, iv). FNSA's mandate is to "support those schools in creating effective, nurturing, and linguistically and culturally appropriate educational environments that provide students with a positive foundation in all academic areas" (FNEESC/FNSA, 2014, iv). FNSA operates through 8 cultural/geographic regions, each with a regional principal that helps support the schools within that region (Make a Future, n.d., "First Nations School Regions"). FNSA provides professional development support to school principals and teachers as well as encourages collaboration and sharing of pedagogical strategies among teachers across the province.

Deborah Jeffrey, a member of Lax Kw'alaams First Nation, is executive director of FNEESC. Jeffrey explains that FNEESC and FNSA are "very much interrelated" and "share a common objective of advancing quality First Nations education."<sup>8</sup> In addition to advocacy, and liaising with the Ministry of Education regarding First Nations students attending provincial schools, the two organizations provide second and third level services to member community schools. FNEESC focuses on providing more policy guidance and support, for example, through language resources and curriculum development, while FNSA offers supports directed at school leadership, including teachers and principals. In some cases, FNEESC and FNSA jointly administer programs, such as AANDC's Special Education Program, to First Nations schools in the province (FNSA, n.d., "Special Education").

Operating on the principle of First Nations control of First Nations education, FNEESC and FNSA have together created the foundations for a strong First Nations education system in British Columbia. Many of FNEESC and FNSA's programs are relevant to and would support education jurisdiction. For example, the School Measures and Data Collection Project and database (the Data Records and User Management

<sup>8</sup> Interview by author, February 11, 2015.

System or DRUMS), collects relevant data from First Nations schools. Such data is important to evidence-based decision-making regarding education and school policies. The following programs are also areas that the education jurisdiction agreement specifies as responsibilities for the provincial-level First Nation Education Authority:

- The FNSA-operated First Nations Schools Assessment and Certification Process “leads to school plans for maintaining successful programs and addressing areas for improvement over a 5 year cycle” (FNESC/FNSA, 2014, 13).
- Programs like Professional Learning Communities and the Professional Growth Process are building capacity of teachers in First Nations schools. In this way, FNESC and FNSA are laying the foundations for determining teacher certification standards. FNESC and FNSA are also supporting the development of First Nations school boards (FNESC/FNSA, 2014).

Additionally, an April 2013 document about the BC First Nations Education System indicates that work is underway to establish graduation requirements for a First Nations graduation diploma, which is a commitment under TEFA but also a provision that the First Nation Education Authority will be responsible for under jurisdiction (FNSA, 2013).

## **4.2. Negotiating Education Jurisdiction**

As discussed in Chapter 2, First Nations have sought for decades to have their jurisdiction over education recognized. Achieving education jurisdiction is one of FNESC’s founding aims (FNESC, 2003). FNESC is the primary negotiator representing First Nations in education jurisdiction negotiations with the Government of Canada and the Province of British Columbia. This section describes the education jurisdiction negotiations and the scope and provisions of jurisdiction in the resulting agreements.

FNESC began formal negotiations with the British Columbia Ministry of Education and the federal Department of Aboriginal Affairs in 2000. Table 4.1. provides a timeline of key events in the negotiations of education jurisdiction.



**Table 4.1. Key Events in Education Jurisdiction Negotiations in British Columbia**

2000	Formal negotiations between FNEESC, the British Columbia Ministry of Education, and the federal Department of Aboriginal Affairs commences
Summer 2002	Draft Memorandum of Understanding
July 24, 2003	Memorandum of Understanding with Respect to First Nations Authority and Jurisdiction over Education signed
July 5, 2006	Education Jurisdiction Framework Agreement signed
December 12, 2006	Federal enabling legislation, <i>First Nation Jurisdiction Over Education in British Columbia Act</i> , passed
November 29, 2007	Provincial enabling legislation, <i>First Nations Education Act</i> , passed
2009	FNEESC and the British Columbia Ministry of Education conclude a reciprocal tuition agreement
December, 2010	AANDC proposes three options for proceeding with education funding
January 27, 2012	Tripartite Education Framework Agreement signed

Tripartite negotiations were chosen for two reasons: First, the parties recognized that they shared responsibility for First Nations education. Second, because of the high mobility of First Nations students, the parties agreed that the First Nations education system should be coordinated to some degree with the provincial education system.

As discussed in Chapter 2, the requirement of provincial comparability could constrain the scope of First Nations jurisdiction over education. However, Deborah Jeffrey explains that comparability as negotiated in the jurisdiction agreement does not necessarily mean full comparability or “comparability in terms of taking provincial curriculum and teaching it in First Nations schools.”<sup>9</sup> The jurisdiction agreement permits First Nations schools and/or the First Nation Education Authority to issue First Nations graduation certificates to students in both First Nations schools and public schools if students satisfy the graduation standards established by the First Nation Education Authority. First Nations schools and/or the First Nation Education Authority may also make a request to the British Columbia Ministry of Education to grant Dogwood (provincial) graduation certificates. First Nations schools and/or the First Nation Education Authority would be able to grant provincial graduation certificates to students who complete a Grade 12 education and achieve “learning outcomes substantially comparable to those required for graduation by the Ministry of Education” (British Columbia First Nation Education Agreement, hereafter “BCFNEA,” clause 3.2). Jeffrey

<sup>9</sup> Interview by author, February 11, 2015.

emphasizes that the language in the *British Columbia First Nation Education Agreement* “doesn’t say it’s the same.”<sup>10</sup> Jeffrey gives the example of the English First Peoples 10, 11, and 12 curricula. Pursuant to the jurisdiction agreement, FNEC and the Ministry of Education jointly developed these courses, which are equivalent to British Columbia English 10, 11, and 12. Jeffrey describes the curricula as “different but similar.”<sup>11</sup> The jurisdiction agreement also stipulates that FNEC and the province “may further agree to develop, implement or recognize equivalent courses in other subject areas” (BCFNEA, clause 4.1). This balances establishing a parallel First Nations education system with integrating it into the provincial education system.

By 2002, the three parties achieved a draft Memorandum of Understanding (MOU). The model of jurisdiction envisioned in this draft MOU is one in which participating First Nations would be able to either opt-in or opt-out (FNEC, 2003). Subsequent negotiations leading to the EJFA clarified that the system of jurisdiction would be an opt-in model. In 2003 FNEC and the federal and provincial governments signed the MOU with *Respect to First Nations Authority and Jurisdiction over Education*. This MOU forms the basis of the 2006 EJFA.

The jurisdiction agreement is in fact a suite of four agreements:

1. The EJFA is the umbrella agreement that broadly defines the roles of the federal government, the province, FNEC and would-be signatory (“Participating”) First Nations.
2. The *British Columbia-First Nation Education Agreement* defines the relationship between the province, the First Nation Education Authority, and Participating First Nations, including recognition of First Nation jurisdiction, reciprocal tuition, granting credentials, curricula and examinations, consultation obligations, and information sharing and evaluation.
3. The *Canada-First Nation Education Jurisdiction Agreement* more precisely defines the scope of First Nation education jurisdiction and the structures of the First Nation education system—the First Nation Education Authority and Community Education Authorities.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

4. The *Canada-First Nation Education Jurisdiction Funding Agreement* provides the funding to implement and operate jurisdiction.

The jurisdiction agreement addresses structural issues in First Nations education in British Columbia by enabling signatory (“Participating”) First Nations to assume their jurisdiction and creating the foundations for secondary and tertiary education supports.

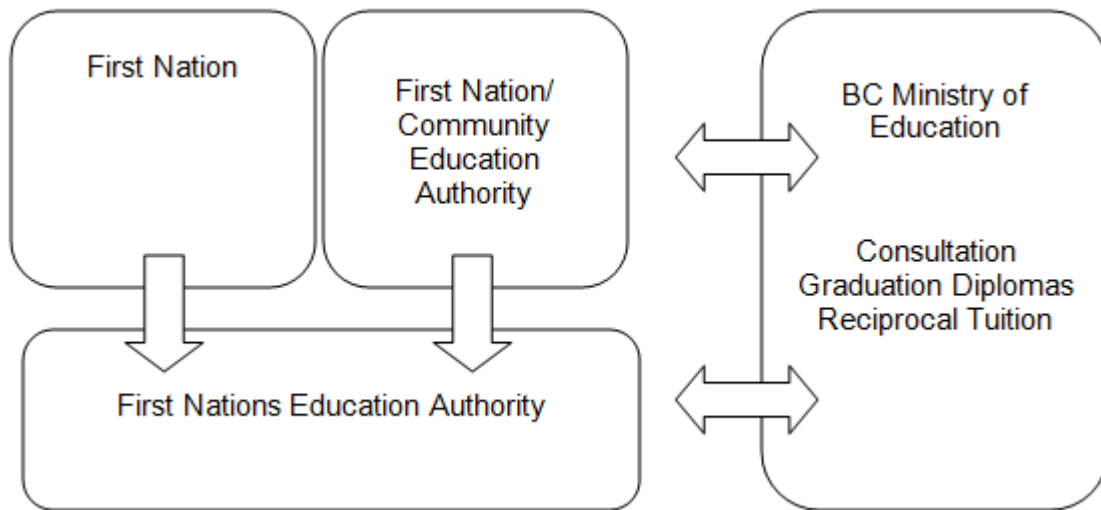
The jurisdiction agreement FNEESC negotiated on behalf of First Nations in British Columbia sets out the scope of jurisdiction agreed to by First Nations, Canada, and British Columbia. Then, in order for a First Nation to assume its jurisdiction over education they must enter into both a *Canada-First Nation Education Jurisdiction Agreement* and an agreement to be bound by the *British Columbia-First Nation Education Agreement* that FNEESC signed on behalf of First Nations. There are two main parts to the jurisdiction agreement: the assumption of jurisdiction by Participating First Nations and the creation of a First Nation Education Authority as a central body delivering third level services and any second level services Participating First Nations have delegated up.

The *Canada-First Nation Education Jurisdiction Agreement* and its federal enabling legislation, the 2006 *First Nations Jurisdiction over Education in British Columbia Act*, allows a First Nation that assumes jurisdiction over K-12 education and has made its own education laws to cease being subject to the education provisions in sections 114-122 of the *Indian Act*. In assuming jurisdiction over education, Participating First Nations are empowered to make laws regarding education and to undertake “other things as may be necessarily incidental to the exercise of that jurisdiction” (*Canada-First Nation Education Jurisdiction Agreement*, hereafter “CFNEJA,” clause 2.15). Jurisdictional powers are vested in the First Nation and exercised by its Council. This is the crux of jurisdiction—that a First Nation is legally recognized and empowered to make laws, in this instance, regarding the K-12 education of its members.

As mentioned, the jurisdiction agreement allows for the creation of two types of educational structures that will form the basis of the First Nations education system: Community Education Authorities and a provincial-level First Nation Education Authority. Figure 4.1. illustrates the relationship between First Nations who have assumed

jurisdiction and/or their Community Education Authorities and the First Nations Education Authority. It also illustrates the relationship between the provincial school system and First Nations education system.

**Figure 4.1. Structures of First Nations Education Jurisdiction and Relationship with the Provincial Education System**



Although jurisdictional authority for education is vested in the First Nation, it may wish to create a Community Education Authority to administer its school(s) and second level services. A Community Education Authority is defined in the jurisdiction agreement as “a legally constituted entity established by a Participating First Nation to operate its Education system in accordance with its Canada-First Nation Education Jurisdiction Agreement” (EJFA, 2006, clause 1.1). Prior to the jurisdiction agreement, First Nations could not create education authorities in their own right; if they wanted to establish an education entity they had to constitute it as a society under provincial legislation. The authority to create their own legal entities is another benefit of First Nations being able to assume and exercise their jurisdiction. A First Nation that chooses to exercise its jurisdiction is not obliged to establish a Community Education Authority; it can instead continue to operate its school system through its chief and council. Alternately, a First Nation can establish a Community Education Authority jointly with other First Nation(s). The Community Education Authority would largely serve the role of the second level service entity.

The First Nation Education Authority is defined in the EJFA as “the legally constituted entity established by Federal Enabling Legislation and whose directors are appointed by Participating First Nations” (EJFA, 2006, clause 1.1). The First Nation Education Authority is a provincial-level organization undertaking a third level service role. The vision of the First Nation Education Authority as described in FNEESC’s 2005/2006 annual report is that it would “...undertake *collective responsibilities* such as teacher certification, school certification, and the establishment of curriculum standards” (FNEESC, 2006, 9, emphasis added). Every First Nation that assumes jurisdiction would appoint two directors to the First Nation Education Authority’s board. The First Nation Education Authority would have no original jurisdiction, rather it would only have jurisdiction that was delegated to it by First Nations participating in exercising their education jurisdiction.

FNEESC’s annual reports describe the process of negotiating education jurisdiction as a collaborative one. Approximately 60 First Nations were regularly involved in the “jurisdiction work” in the period 2007/2008 to 2009/2010 (FNEESC, 2009, 7), with 13 First Nations involved in formal jurisdiction negotiations. FNEESC’s 2008/2009 annual report states that:

At every stage in the process, the First Nations have maintained a strong commitment to *supporting one another*, sharing their knowledge, and maintaining economies-of-scale [*sic*]. Their *collective work* has resulted in the identification of new First Nations-designed structures for teacher and school certification, data collection, and enhanced education governance processes (FNEESC 2009, 7, emphasis added).

Such references reveal that the jurisdiction project is not one that any individual First Nation is undertaking in isolation. Deborah Jeffrey explains that the First Nations involved chose a “collective approach” to the jurisdiction.<sup>12</sup> Moreover, references to maintaining economies of scale illustrate that First Nations are well aware of the challenges they face in exercising their jurisdiction over education. First Nations’ approach to the jurisdiction negotiations and the content of agreement demonstrates that First Nations are striving to create a supportive education system that includes

<sup>12</sup> Interview by author, February 11, 2015.

recognition of the need for economies of scale where they are practicable. As discussed, First Nations already work together on education matters through FNEESC and FNSA. Moreover, the jurisdiction agreement and interested First Nations' cooperative approach indicates that there may be a high level of collaboration in the provision of second and/or third level services under jurisdiction.

In the suite of agreements that enable First Nations to assume their jurisdiction, a *Canada-First Nation Education Jurisdiction Funding Agreement* is a central part of enabling and supporting the exercise of jurisdiction. According to interviewees who participated in the negotiations, funding was not a central part of the negotiations of the EJFA, but instead left to be negotiated at a later date. In fact, the EJFA specifically states that "Upon ratification of a Canada-First Nation Education Jurisdiction Agreement by a Participating First Nation and Canada, Canada intends to commence negotiations and attempt to reach agreement on a funding agreement with the Participating First Nation" (EJFA, 2006, 5-6).

The *Canada-First Nation Education Jurisdiction Agreement* outlines the general principles to guide the funding agreement (clause 7.4). These include consideration of: existing education funding levels of the Participating First Nation and the funding formula for band-operated schools; education funding provided by Canada to First Nations schools or by British Columbia to provincial schools; "prevailing federal and provincial policies"; the operating cost of the Participating First Nation's school as well as the governance costs of its Community Education Authority. These considerations imply that the education jurisdiction funding agreement will be based on existing First Nations education funding models, while taking into account the operating costs of a school system under First Nations jurisdiction. Additionally, the principles for a funding agreement recognize the "desirability of *reasonably stable, predictable and flexible* funding" (CFNEJFA, 2006, clause 7.4e, emphasis added) as well as efficiency and effectiveness in program delivery (CFNEJFA, 2006, clause 7.4f).

The parties envisioned the *Canada-First Nation Education Jurisdiction Funding Agreement* as a multi-year agreement. Funding would be based on the provision of educational programs and services a First Nation would provide as outlined in a

schedule attached to the funding agreement. According to Deborah Jeffrey, however, this schedule was not completed.<sup>13</sup> In addition, Participating First Nations would receive one-time funding to support their transition to jurisdiction (CFNEJFA, 2006, clause 7.2). This would include funding to establish a Community Education Authority, the development of its own education laws, and systems transitions (CFNEJFA, 2006, clause 7.1).

Periodic references in FNEESC's annual reports reveal a consistent stance regarding the funding required to support jurisdiction. For example, in its 2004/2005 annual report FNEESC relays that they continue to negotiate the scope and details of the jurisdiction agreement, including "crucial issues such as *equitable funding* for First Nations schools..." (FNEESC, 2005, 11, emphasis added). In 2007/2008, after the federal (2006) and provincial (2007) enabling legislation was passed and First Nations were moving into the phase of negotiating individual jurisdiction agreements, FNEESC reports "... First Nations are maintaining that federal funding must be *sufficient*, including *adequate funding* for First Nations schools" (FNEESC, 2008, 3, emphasis added).

#### **4.2.1. Negotiations Stall**

In 2011, FNEESC jurisdiction negotiator Christa Williams wrote a column in which she recalled the optimism about the jurisdiction agreement at the time its enabling legislation was passed. The optimism Williams (2011) describes is evident in FNEESC's updates on the status of education jurisdiction negotiations in its annual reports, as is the stalling of the agreement.

The jurisdiction agreement's federal and provincial enabling legislation was passed in 2006 and 2007 respectively. FNEESC's 2007/2008 annual report update on the status of education jurisdiction states that the negotiation of funding for both education jurisdiction and its implementation is the next step required. FNEESC's outlook was that "Interested First Nations" could begin negotiating their individual jurisdiction agreements with Canada "hopefully by fall 2007" (FNEESC, 2007, 6). The update on jurisdiction

<sup>13</sup> Interview by author, February 11, 2015.

negotiations provided in FNEESC's 2008/2009 annual report states that "This year, the jurisdiction efforts focused largely on negotiating funding agreements with the Government of Canada" (FNEESC, 2009, 7). FNEESC's annual report for 2009/2010 is similarly focused on interested First Nations working together to negotiate funding. Annual reports for 2010/2011 and 2011/2012 were not publicly available online at the time this research was undertaken. The next available annual report is for 2012/2013. The update provided states that "Unfortunately, progress in implementing the education jurisdiction agreements has been hindered by an inability to finalize the financial component of the arrangement" (FNEESC/FNSA, 2013, 15).

According to FNEESC, in September 2010 the federal government decided to unilaterally apply Own Source Revenue (OSR) principles to education jurisdiction. According to the BC AFN, OSR is "based loosely on the federal-provincial fiscal relationship" (Wilson-Raybould and Raybould, 2014, 511). The federal government's OSR policy is essentially a claw back of a self-governing First Nation's federal transfer based on its ability to generate its 'own source' revenue. OSR is understood by FNEESC and other observers, such as the BC AFN, and by interviewees for this study, as the reason for the stalemate in education jurisdiction funding negotiations. Don Avison, former Deputy Minister of Education and Chief Negotiator for British Columbia during the education jurisdiction negotiations, recalls that "except for a fleeting moment" during negotiations OSR was not part of the discussions.<sup>14</sup> Similarly, Deborah Jeffrey states that OSR "was dismissed from the negotiating table early on."<sup>15</sup>

OSR is typically a provision in comprehensive self-government agreements and treaties. The application of OSR to a sectoral self-government agreement appears to be a new application of the federal OSR policy. Never before has OSR been applied to sectoral agreements. The BC AFN comments that applying OSR to sectoral education self-government agreements would be comparatively more complicated "... given the differences in scope and issues when negotiating and implementing comprehensive governance arrangements" (Wilson-Raybould and Raybould, 2014, 160). Deborah

<sup>14</sup> Interview by author, January 20, 2015.

<sup>15</sup> Interview by author, February 11, 2015.



Jeffrey explains that modern comprehensive treaties typically include revenue streams and that OSR “applies incrementally over time.” An education sectoral self-government agreement does not have provisions for additional revenue streams. Jeffrey also points out that own source revenues can be volatile from year to year, leading to instability in levels of funding.<sup>16</sup> Moreover, not all First Nations exercising education jurisdiction have the same revenue-generating capacity. The ability of a First Nation to generate own-source revenues increases their overall financial capacity. OSR claw backs may equalize First Nations’ total financial capacity, but it would do so by reducing some First Nations’ overall level of financial resources relative to their ability to generate own-source revenues. In such cases, this would disadvantage First Nations’ spending on other areas as they would now be responsible for using own-source revenues to offset the decrease in their education funding transfer.

According to FNEESC’s early updates on education jurisdiction negotiations:

The agreement under discussion is not intended to replace the treaty process, self-government discussions, or any other negotiations that are occurring between First Nations and the federal and/or provincial governments. The legislation is intended to represent an interim measure, as a way to protect First Nations interests while other agreements are being negotiated (FNEESC, 2003, 13-14).

OSR, which in comprehensive self-government agreements is calculated on total revenues, is inappropriate as it would presumably also disadvantage First Nations’ funding in other areas. The gap in First Nations students’ educational attainment as compared to non-Aboriginal students would seem to warrant greater investment in their education to enable First Nations learners to ‘catch up.’

I sought interviews with AANDC staff involved in the education jurisdiction initiative to try to understand the federal government’s position regarding the application of OSR to sectoral self-governance. Unfortunately, nobody from the federal negotiating team was available for an interview. As such, I can only speculate about why the federal government unilaterally and, according to FNEESC, unexpectedly imposed the OSR

<sup>16</sup> *Ibid.*

policy on education jurisdiction funding negotiations. Don Avison suggested that jurisdiction negotiations “got a long way along before there was recognition that this had real cost implications.”<sup>17</sup> According to Avison “There is no way that the kind of agreement that was being contemplated ... was going to be cost-neutral because there was always the recognition that there was an inequitable disparity” in school funding.”<sup>18</sup> This seems to hark back to the 1970s devolution of education to First Nations communities without any commensurate increases in program spending.

Although negotiations on funding between FNEESC and the federal government stalled, First Nations and the British Columbia Ministry of Education have made progress on negotiating arrangements to support jurisdiction. In 2009, FNEESC and the BC Ministry of Education concluded a reciprocal tuition agreement. As discussed in Chapter 2, First Nations students ordinarily resident on reserve should typically attend a First Nations school, while the province is responsible for educating non-Aboriginal students and First Nations students not ordinarily resident on reserve. It is existing practice for AANDC to pay the provincial Ministry of Education for students ordinarily resident on reserve who attend provincial schools. The reciprocal tuition agreement ensures that the province would pay First Nations the full cost tuition of students it is responsible for but who choose instead to attend a First Nations school. Reciprocal tuition was a stipulation of the jurisdiction agreement. Enacting a reciprocal tuition agreement ahead of the implementation of education jurisdiction not only moves toward the realization of First Nations education jurisdiction, but enhances equality between the two education systems.

#### **4.2.2. The Tripartite Education Framework Agreement**

In December 2010, seemingly just as funding negotiations for education jurisdiction were stalling, AANDC approached First Nations in British Columbia with three unilaterally-developed funding options for education:

<sup>17</sup> Interview by author, January 20, 2015.

<sup>18</sup> *Ibid.*

1. To return to the national Band Operated Funding Formula (BOFF)<sup>19</sup>
2. An implementation-ready tripartite agreement
3. Proceeding with jurisdiction with the application of the OSR policy (FNESC, 2012).

As Deborah Jeffrey recounts, First Nations “had no choice but to do a Tripartite Education Framework Agreement.”<sup>20</sup> A return to BOFF would mean a significant decrease in funding, while FNESC had firmly rejected OSR during jurisdiction negotiations. Moreover, the Minister of Aboriginal Affairs had announced that “new financial resources would be provided to First Nations education in BC” (FNESC/FNSA, 2013, 14). These funds were being committed in part because of the

...capacity demonstrated by First Nations in the BC Region to deliver collective educational support services and to establish strong partnerships with a range of stakeholders, meaning that First Nations in BC were seen to be prepared for the advancement of a respectful and effective tripartite arrangement (FNESC/FNSA, 2013, 14).

However, these funds were tied to the TEFA option, adding to First Nations’ sense of having no choice.

FNESC undertook negotiations for the TEFA with the federal and provincial governments. The parties signed the TEFA in January 2012 and the agreement came into force the following September. The TEFA is a multi-year agreement with a 5-year term. According to FNESC (2012), as of March 2012, “99 per cent of BC First Nations that operate a school have opted in” to the TEFA (3).

The funding model under TEFA is based on the provincial Ministry of Education’s Operating Grants Manual “with adaptations to reflect the unique circumstances of First Nations/band-operated schools” (AANDC, 2013, 54).<sup>21</sup> This means that TEFA is a

<sup>19</sup> Since 2005, First Nations in British Columbia had been operating under an “Interim Band Operated Funding Formula” (iBOFF). Any further discussion of BOFF or iBOFF is beyond the scope of this study.

<sup>20</sup> Interview by author, February 11, 2015.

<sup>21</sup> See Appendix A for the TEFA funding formula. Appendix B compares the TEFA and provincial funding formulas.

funding formula based on the number of full time equivalent (FTE) students. TEFA also amalgamates some other education funding programs. According to AANDC's BC Region Program Guide:

The TEFA funding model includes a number of new elements including enhanced funding for technology, second level services, and new formula factors to better reflect individual school circumstances, such as low enrolment or extra costs due to a school's geographic location (AANDC BC Region Program Guide, 2013, 54).

TEFA also provides First Nations with increased flexibility and discretion to fund their priorities, while reducing the reporting burden (AANDC, 2013).

Under TEFA, funding for First Nations schools is roughly comparable to that of provincial schools. Despite this, however, Deborah Jeffrey points out that First Nations still do not receive adequate funding for language and culture. The TEFA funding model includes a line item for "Aboriginal Education" at a value of \$1,160 per student, which is equivalent to the same provision in the provincial Operating Grants Manual. According to the Ministry of Education Policy Statement on Aboriginal Education, this additional funding for Aboriginal students is intended to provide "culturally-appropriate educational programs and services to support the success of Aboriginal students" (British Columbia Ministry of Education, hereafter BC MOE, n.d.-a., "K-12 Funding – Aboriginal Education"). However, this amount undoubtedly falls short of being able to provide the extent of language and cultural programming that First Nations desire. Jeffrey speaks of school language programming as one aspect of language revitalization, drawing parallels to French language instruction in provincial schools, which the federal government supports.<sup>22</sup>

With regard to jurisdiction, not only does the preamble of the TEFA affirm a commitment to the implementation of the EJFA, but the language and provisions of TEFA echo the education jurisdiction agreement in several instances. For example, clause 4.5 commits the province and FNEC to working

<sup>22</sup> Interview by author, February 11, 2015.

together to enable First Nations schools to issue provincial graduation certificates, while clause 4.8 commits the province to providing “reasonable cost access to provincial learning resources; and provincial bulk purchase initiatives” to First Nations schools (TEFA, 2012). TEFA thus builds upon jurisdiction. Deborah Jeffrey agrees that TEFA “advances the funding component of jurisdiction, but that it doesn’t address lawmaking authority”—which, as discussed is the crux of jurisdiction. Jeffrey summarizes the TEFA as essentially “an admin funding piece.”<sup>23</sup> By contrast, Don Avison believes that TEFA “undercut” jurisdiction by deflating the political will on the part of the federal government to finalize and implement First Nations education jurisdiction.<sup>24</sup> Regardless, Jeffrey emphasizes that “TEFA has fundamentally altered the discussion”<sup>25</sup> on funding for education jurisdiction. The implication is that when jurisdiction negotiations resume the TEFA funding model will necessarily be a consideration.

### **4.2.3. The Present Situation**

Education jurisdiction has not advanced since negotiations on funding stalled circa 2010. Without funding to implement and support education jurisdiction, First Nations cannot exercise their jurisdiction.

In a September 2014 update on the status of education jurisdiction, FNEESC reports that in July 2014 the federal government revised its OSR policy. According to an AANDC update on treaty negotiations entitled *Taking Action to Advance Treaty Negotiations*:

The Government of Canada is moving forward with important changes to how own source revenues are treated in determining federal transfers to self-governing Aboriginal groups. For example, *program transfers for health, education and social development will not be reduced based on Aboriginal government’s OSR* (AANDC, 2014, emphasis added).

<sup>23</sup> *Ibid.*

<sup>24</sup> Interview by author, January 20, 2015.

<sup>25</sup> Interview by author, February 11, 2015.

FNESC reports in its September update that it is curious to learn how this policy would be applied in the context of education jurisdiction agreements.

Despite inaction on education jurisdiction, FNESC continues its work on its many other initiatives to promote and support the education of First Nations learners.

## **Chapter 5.**

### **Principles for a Funding Model: Policy Objectives, Criteria, and Measures**

The objectives and criteria for this analysis are drawn from the literature on First Nations education funding, the broader literature on the principles that constitute a good funding model, and key informant interviews conducted. The criteria are reflective of the goals in establishing a funding regime to support First Nations education jurisdiction that includes adequate second and third-level education services. This chapter begins with a discussion of the objectives of a First Nations education system under First Nations jurisdiction, followed by a definition of each criterion.

#### **5.1. Policy Objectives of a First Nations Education System under First Nations Jurisdiction**

The objectives of First Nations education are related yet distinct from the assessment criteria for an adequate funding model. As such, a funding model should be designed in a way that supports the objectives of the education system it funds.

An academic expert on Indigenous education interviewed for this study is adamant that the first step in designing any education system is to determine the values and aims of the education system. Determining the values and aims of the education system must be done by the community. According to this academic, funding is the last step, coming after the determination of the aims of the education system and the “minimum conditions to be put in place.”<sup>26</sup> Funding should not be the main driver of an education system; instead the aims of the education system should dictate funding. This

<sup>26</sup> Interview conducted by author, February 26, 2015.

academic believes that “Talking about money up front ... is limiting the whole debate to basically quantitative terms that doesn't reflect the true aims of education according to [an] Aboriginal understanding.”<sup>27</sup>

An examination of ICIE, as well as FNEESC and FNSA's mission and vision statements and publications reveals the objectives that First Nations in British Columbia desire for their education system. It is important to note, however, that First Nations are not a homogenous group and that the following should not be construed as a definitive statement of the educational objectives and aims of all First Nations in British Columbia for their school systems. Rather, this is my understanding of First Nations' objectives for their school systems gleaned through my research, including a key informant interview with Deborah Jeffrey, the executive director of FNEESC.

Echoing ICIE, Deborah Jeffrey emphasizes that “When you look at education being the socialization of children and a means of transmitting culture, it's imperative that First Nations have control over education.”<sup>28</sup> In ICIE's *Statement of the Indian Philosophy of Education*, the aim of education is summarized succinctly as, “to give our children the knowledge to understand and be proud of themselves and the knowledge to understand the world around them” (NIB, 1972, 1). Later in the document, the NIB asserts, “What we want for our children can be summarized very briefly: to reinforce their Indian identity, to provide the training necessary for making a good living in modern society” (1972, 3). In other words, the aim of First Nations education is to provide First Nations children with a solid grounding in their Aboriginal identity and prepare them to be members of their communities and broader society. Central to realizing this goal is local control and parental involvement in the education system.

As discussed in Chapter 4, promoting First Nations students' learning is at the heart of FNEESC and FNSA's purpose. These organizations are dedicated to promoting student achievement. FNSA's mission statement sheds light on their objectives for First Nations education in British Columbia: “to create nurturing environments that will

<sup>27</sup> Interview conducted by author, February 26, 2015.

<sup>28</sup> Interview by author, February 11, 2015.



develop learners' pride and competence in their First Nations language and heritage and will equip them to realize their full potential, within self-governing First Nations communities" (FNESC/FNSA, 2014, iv). Language revitalization is thus one goal that will be pursued in part through the school system and FNESC is currently examining how language programs might be designed.<sup>29</sup>

These objectives are reflected in the preamble of the *British Columbia First Nation Education Agreement* that states:

This Agreement acknowledges ... a new relationship intended to further improve educational opportunities and outcomes for First Nations students.

The Parties to this Agreement also recognize that improved education outcomes for students attending First Nations schools and for First Nations students attending Provincial Public Schools, will be central to the shared objective of restoring, revitalizing, and strengthening the economic and social sustainability of First Nations in British Columbia (2006, 1, emphasis added).

The jurisdiction agreement thus promotes First Nations' aims and objectives for First Nation education. I attempt to translate these objectives into criteria necessary for a funding model in the following section.

## **5.2. Criteria**

I employ a values-based criteria analysis to evaluate the policy options because the approach directly seeks to promote social justice (Wharf and McKenzie, 2004). According to Wharf and McKenzie (2004), who are proponents of the values criteria model, when developing criteria one "...should be explicitly critical in considering historical, cultural, political, and economic factors" (24). These are especially important factors to consider with regard to a funding model for First Nations education jurisdiction because education was used as a tool of colonialism. First Nations have the inherent

<sup>29</sup> Interview by author, February 11, 2015.

right to govern themselves; enabling First Nations to assume education jurisdiction is not only part of that inherent right, but is a part of reconciliation.

All policy analysis is normative to an extent, even if the values underlying the analysis are implicit. Although numbers can appear to be value-neutral, they represent value judgements. As Caldwell, Levačić, and Ross (1999) argue a funding formula is “an instrument of education policy ... [that] relates to the values underpinning that policy” (23). The values criteria model makes the values underlying the analysis explicit.

### **5.2.1. Predictability and Stability**

Predictability and stability are critical to the ability of organizations to be able to plan. It also enables the federal government to budget for the expenditure (Gusen, 2008). The “desirability of reasonably stable, predictable and flexible funding” is explicitly listed among the items that the “Parties will take into account” when negotiating the funding agreement for jurisdiction (CFNEJA, clause 7.4e).

Predictability and stability is defined and assessed in two ways:

1. What is the term of the funding model? For example, is it to be renewed annually, every 5 years, other?
2. Are there provisions for (expected) increases in funding?

### **5.2.2. Adequacy**

Adequacy is used here in the sense of whether the funding model provides enough funding to effectively operate schools under First Nations jurisdiction. As discussed in Chapters 2 and 4, funding for First Nations education has too often been insufficient, that the aim of any funding model for education jurisdiction should strive to provide ample funds to ensure the successful operation of a school system.

Wharf and McKenzie (2004) contend that “Adequacy and effectiveness are related concepts” (75). They define “adequacy” as “*the provision of benefits or services*

*to meet the identified need*” whereas “effectiveness” is “directly related to the outcome goals and objectives of the policy” (Wharf and McKenzie, 2004, 75, italics in original). In this way, the adequacy criterion is a precondition for effectiveness.

Adequacy of funding is more complex than simply funding First Nations education to the level that provincial public schools are funded. Funding must be sufficient to achieve the goals of First Nations education systems. That funding be commensurate with the aims of the education system does not mean that budget constraints need to be disregarded.<sup>30</sup> But it is important that budget constraints not be an excuse for continuing to underfund First Nations education. Consequently, adequacy will be assessed according to whether the model prospectively provides sufficient funding to effectively operate First Nations schools.

### **5.2.3. Equity**

Fairness and justice are central principles in negotiating the education jurisdiction agreement and seeking to improve the educational outcomes of First Nations students.

Formal equality requires that everyone be treated the same in an absolute sense. Formal equality can thus be seen as the principle behind ensuring that First Nations education funding is comparable to the provincial education system. However, as discussed, a history of colonialism and an undeveloped school system means that First Nations education is not on par with the provincial school system, which has developed over the last century. As such, treating First Nations schools as though they are in an equal position to that of provincial schools fails to recognize these real differences and disadvantages First Nations students. As an academic expert on Indigenous education interviewed for this study comments, “The worst way of treating inequities is equally.”<sup>31</sup>

<sup>30</sup> In developing proposals for adequate education funding in Illinois and Alaska, American education finance experts Jay Chambers and Thomas Parrish “convened committees of teachers, administrators, and public officials to deliberate and determine what resources were necessary to deliver an appropriate education.” These committees “were also told they must ‘keep a balance between the resources they would like to see specified ... and what they believed to be affordable’” (Chambers and Parrish quoted in Guthrie and Rothstein, 1998, 229).

<sup>31</sup> Interview by author, February 26, 2015.

Substantive equity instead recognizes that different treatment is sometimes required to ensure equality. Conceptualized in this way, substantive equity strives to ensure equity of access as well as equity of outcome. As discussed in Chapter 4, equity of outcome does not mean achieving *the same* outcomes in that First Nations schools must teach the same curriculum as in provincial schools, but rather promoting student achievement and striving to close the education gap between First Nations and non-Aboriginal learners in terms of necessary skills like literacy and numeracy, and graduation rates. An expectation of First Nation education jurisdiction is that it will lead to an improvement in student learning in part due to adequate funding for culturally appropriate education.

It is difficult to link educational outcomes with funding levels. Therefore, education finance expert Jay G. Chambers argues that “one must be satisfied with defining educational services in terms of the inputs to which pupils have access,” (1980, 263). As such, the policy options will be assessed according to whether the funding model promotes substantive equity such that First Nations students have the opportunity to develop their full potential. This criterion translates into a funding formula through provisions that factor in the special needs or disadvantages that First Nations students face and realistic costing of providing education in First Nations schools, and the like.<sup>32</sup>

#### **5.2.4. Stakeholder Acceptability**

As the implementation of education jurisdiction has stalled over disagreement on funding between First Nations and the federal government, any proposed model should have stakeholder acceptability if it is to be adopted. Particular focus should be given to the acceptability of the policy option to First Nations interested in assuming education jurisdiction. The power dynamics are such that First Nations are not in an equal position of power in negotiations with the federal government. This is evidenced by the unilateral choice of funding options presented by the federal government to First Nations in December 2010 (see Section 4.2.2.). Evidently a funding agreement will proceed only if

<sup>32</sup> This point was echoed by an Aboriginal policy expert in an interview conducted for this study (March 6, 2015).

it is acceptable to the federal government, but government acceptability of the policy options is not considered in this analysis. Only considering First Nations acceptability, begin to restore balance to the power dynamic; policy options that are not acceptable to First Nations should not be pursued.

This criterion is assessed based on my research, including key informant interviews and review of First Nations publications.

### **5.2.5. Administrative Complexity**

The broad steps required to implement each policy option are discussed and evaluated according to their complexity. However, just because a policy option is administratively complex to implement does not mean it should not be pursued; this is especially the case in light of the objectives of a First Nations education system and the social justice aims of reconciliation.

### **5.2.6. Excluded Criteria**

Funding negotiators and policy practitioners may have other criteria they wish to include that were not considered in this analysis.

The absence of the criterion of cost-effectiveness—whether the policy option achieves its objectives at the least cost—may appear to be an omission, but this was a deliberate decision based on two factors. First, as mentioned in section 3.2, a lack of quantitative data prevented me from estimating the costs of the policy options. The purpose of this study is to investigate *how* First Nations education systems should be funded. While the cost of adequately funding First Nations education is evidently related, a cost-effectiveness study is beyond the scope of this project. Second, concerns about budgetary costs have been detrimental to First Nations education in the past. As previously discussed, when the federal government devolved education in the 1970s it did so on the condition of cost-neutrality. This measure contributed to the legacy of underinvestment in First Nations education. Funding First Nations education jurisdiction will not be cost-neutral if it is to be funded adequately so as to enable a First Nations

education system to develop and flourish. Nevertheless, I expect that funders and negotiators will consider cost-effectiveness even if it is not included in this analysis.

### **5.3. Measures & Weighting**

The strengths and weaknesses of each policy option will be assessed. Predictability and Stability, Adequacy, Equity, and First Nations Acceptability are assessed according to whether the policy option partially meets the criterion, fulfills the criterion, or exceeds the criterion. As it was not possible for me to estimate costs of the policy options, the Adequacy criterion is assessed on whether the policy alternative prospectively provides enough funding to effectively operate First Nations schools. Administrative Complexity is assessed according to whether it is low, medium, or highly complex to implement.

I do not weight Predictability and Stability, Adequacy, Equity, and First Nations Acceptability as I believe they are equally important. Policy practitioners may assign different weights to these criteria as they see fit. A partially-met criterion receives 1 point, a fully met criterion receives 2 points, and a criterion that is exceeded receives 3 points. Administrative Complexity is weighed at half of the value of the other criteria to reflect that it should not prevent the implementation of a policy option that otherwise scores well on the other criteria.

## **Chapter 6.**

### **Policy Options and Analysis**

This chapter presents four options for funding First Nations education jurisdiction directed at First Nations and/or their Community Education Authorities for the provision of K-12 education. These policy options do not address the one-time funding to be negotiated by First Nations and Canada to support the transition activities of First Nations assuming jurisdiction. Funding for the First Nation Education Authority is also a separate issue from funding for First Nations/Community Education Authorities per clause 5.2 of the EJFA and thus not considered in this analysis.

Analysis of each policy option follows based on the criteria established in Chapter 5. The first funding model examined is the status quo in British Columbia, TEFA. How the TEFA funding model might be improved is then examined. The other two policy options are derived from the literature review as well as from principles that key informant interviewees said were important to a funding model.

#### **6.1. Funding Formulas**

Most developed countries, and a growing number of developing countries, fund education through formulas (Fazekas, 2012). Funding formulas are essentially mathematical equations that multiply numbers of students by coefficients representing various characteristics to arrive at a total amount to allocate to a school or school district. Most literature on education finance discuss funding formulas in terms of allocating an already-specified budget, but education finance experts Kenneth N. Ross and Rosalind Levačić (1999) point out that formulas can also be used to determine the amount of budget required.

Ross and Levačić (1999) identify equity and directive functions as two of the primary policy functions of funding formulas. The equity function focuses on the distribution of resources to school systems. The directive function seeks to “influence the behaviour of school managers in ways which are consistent with the policy aims and objectives of the funding agency” (Ross and Levačić, 1999, 30). The primary aim of a funding formula for education jurisdiction is to ensure that the system has equitable resources to provide education according to the aims of First Nations.

Funding formulas typically include four components: basic student allocation, supplementary allocations for students’ educational needs, curriculum enhancement, and funding for minor capital expenditures such as operations, maintenance, and transportation (Ross and Levačić, 1999). Supplementary allocations provide extra funds for students with special learning needs or other characteristics that require extra resources to support their educational success. Curriculum enhancement is funding for special programs beyond the basic curriculum. According to Fazekas (2012), “Curriculum or education programme-based variables acknowledge the different resource implications of enhanced and specific education programmes” (10). For example, language and culture are necessary aspects of a culturally-appropriate First Nations education, so a funding formula would require commensurate curriculum allocation to ensure that such programming is provided. The unit of measurement in a formula can be the individual student, the course, the school, the school district, or a combination of these.

## **6.2. School Capital Infrastructure Funding**

In addition to providing funding for educational services, any jurisdiction funding agreement should also make provisions for school capital infrastructure funding. Levačić and Ross (1999) argue that not all education expenditures are appropriate for formula funding, especially “expenditures that have an uneven incidence over time, such as major capital projects are not usually suited to allocation by formula” (26). Major capital projects include building new schools or bringing existing schools up to seismic standards.



The Parliamentary Budget Office (Rajekar and Mathilakatch, 2009; Shaw, 2013) evaluated AANDC's current practices regarding the construction of schools, and finds that the department lacks a clear and coherent process to plan for and undertake the construction of schools. The constraints of this study prevent any in-depth consideration of how major capital funding should be provided under education jurisdiction, but day-to-day school capital needs like operations and maintenance are included in the analysis. Key informants interviewed for this study did stress that First Nations' school capital is generally inadequate and needs to be addressed in jurisdiction funding.<sup>33</sup>

### **6.3. The Tripartite Education Framework Agreement**

As mentioned in section 4.2.2., the TEFA funding model is based on the provincial Operating Grants Manual, adapted and applied to First Nations schools. The 2014-2015 TEFA funding formula is found in Appendix A. TEFA is the status quo First Nations education funding model in British Columbia.

As in the provincial funding formula, under TEFA funding for all education costs are factored into the per FTE student allocation of the formula. Examples of such education costs include teacher salaries, operations and maintenance, and transportation. The funding levels under TEFA are adjusted yearly, reflecting annual incremental adjustments in the provincial Operating Grants Manual.

Despite being based on the provincial Operating Grants Manual, the TEFA funding formula is not an exact replication of the provincial funding formula. Appendix B provides a comparison of the two funding formulas. The TEFA funding formula includes funding for four of the six categories that the 2014-2015 British Columbia Ministry of Education Interim Operating Grants website identifies as categories of supplemental

<sup>33</sup> Interviews by author, January 20, 2015 and February 11, 2015.

funding: “unique student needs,” “enrolment decline,” “salary differentials,” and “unique geographic factors” (BC MOE, n.d.-b).<sup>34</sup>

Funding for unique student needs is intended to take into account the increased costs associated with educating children with specific learning needs. For example, the line item in the TEFA funding formula for English as a Second Language/English Skills Development (ESL/ESD) is an adaptation of the provincial supplementary grant for English/French Language Learning. The province provides \$1,340 per student for ESL/ESD. TEFA funding for ESL/ESD is calculated by multiplying the \$1,340 rate by an incidence rate of 22.6% for each number of school aged enrolments. In the provincial funding formula, funding for unique student needs also includes funding for Aboriginal Education. The Ministry of Education’s policy statement on Aboriginal Education funding states that “Enhanced funding provides culturally-appropriate educational programs and services to support the success of Aboriginal students” (BC MOE, n.d.-a). As discussed in Chapter 4, this funding falls short of what First Nations require for language and culture.

Funding for “high-cost special education needs” (AANDC, 2014, 52) is provided separately from TEFA through AANDC’s Special Education Program, which is coordinated by FNSA. In order for First Nations to have complete jurisdiction over education, funding for special needs education would need to be included in education jurisdiction funding agreements. This may, however, be a program area that First Nations exercising jurisdiction may wish to continue to delegate up to the province-wide First Nation Education Authority.

Funding for unique geographic factors and enrolment decline reflects the increased costs of operating small schools, schools in rural communities, as well as the climate factors associated with school operation and maintenance. Funding for salary differentials also supports the increased costs of attracting and retaining teachers to

<sup>34</sup>The other two categories that the BC Ministry of Education includes are “Education Plan,” which is a supplement to school districts to implement BC’s Education Plan in 2014-2015, and “Funding Protection,” which is funding to compensate school districts for funding declines greater than 1.5% per year.

small and/or remote communities. The unit of measurement for geographic factors and salary equalization in the provincial formula is the school district, but the funds are allocated based on the number of FTE students. In the case of TEFA, the unit of measurement is the First Nation rather than the school district. The funding formula's unit of measurement is an important distinction that can have consequences for funding levels. The provincial funding formula funds school districts, which in turn distribute funding to the schools they manage in their district. In contrast, First Nations receive education funding; First Nations schools are not organized into school districts. The provincial funding formula thus assumes economies of scale that typically do not exist in First Nations education systems.

There are supplementary grants for student needs and geographic factors that are not reflected in the TEFA funding formula. For example, the provincial Operating Grants Manual provides additional funding for "Vulnerable Students," based on factors such as economic, social, and demographic conditions for which many First Nations students would certainly qualify. The exclusion of these supplementary grants may have been a trade off for which TEFA "Non-OGM Funding" compensates. Non-OGM funding is an additional line item of funding based on the subtotal of the funding calculated for the student and geographic factors multiplied by 5.97%. It is unclear whether the Non-OGM funding completely offsets what First Nations would receive under the provincial supplements for vulnerable students.<sup>35</sup>

Transportation funding is no longer explicitly provided for as a separate line item in the provincial Operating Grants Manual. Yet TEFA provides funding for the transportation of eligible students. There is also funding for Education Minor Capital and Technology Support. Nevertheless, Deborah Jeffrey, executive director of FNEC, argues that a number of items in TEFA need to be better addressed and funded, such as

<sup>35</sup> In an April 14, 2015 update, FNEC advises that in January 2015 AANDC revised the TEFA funding formula to include a "Vulnerable Students component for each school-age FTE student" and an increase of the non-OGM funding to 7.75%, among other changes. The update advises that "FNEC is aware that some of the changes described ... especially the Student Location Factor change – has created large discrepancies when applied to funding for First Nation schools. FNEC fully intends to proactively pursue this issue with AANDC, with the goal of designing a realistic and fair funding formula for transportation" (FNEC/FNSA, 2015, 2).

adult funding, operations and maintenance, technology, and capital infrastructure.<sup>36</sup> Don Avison, chief negotiator for British Columbia during the jurisdiction negotiations, also believes that an education jurisdiction funding agreement needs to adequately address school capital and transportation.<sup>37</sup> School infrastructure is currently a part of AANDC's Community Infrastructure Program, which operates separately from AANDC's education program (AANDC, 2012).

All of the above-described funding components are elements that would need to be considered in any alternative funding model. A danger with basing education funding for First Nations schools on the provincial system is that it is allocating funding according to a school system with different values and priorities. For example, what would happen if the province cut a certain line item of funding such as is the case with transportation funding? Moreover, the costs in the provincial Operating Grants Manual reflect the costs of education in the provincial education system. These costs may very well differ in First Nations schools.

Nevertheless, TEFA provides First Nations schools with funding roughly equal to the provincial school system. So while TEFA is imperfect, it is an improvement over the Band Operated Funding Formula (BOFF) that still exists elsewhere in Canada.

### **6.3.1. Evaluation of the Tripartite Education Framework Agreement**

#### ***Predictability and Stability***

AANDC uses two types of funding arrangements to fund First Nations education under TEFA: either a fixed or a block contribution agreement. Fixed contribution agreements can be year-to-year or multi-year. Block contribution agreements span five or more years (AANDC, 2014). Fixed contribution agreements are program specific, while block contribution agreements bundle funding for several programs and allow the recipient to reallocate within the block. AANDC determines which type of arrangement a First Nation qualifies for based on a General Assessment that assesses "the funding

<sup>36</sup> Interview by author, February 11, 2015.

<sup>37</sup> Interview by author, January 20, 2015.

recipients' past performance and current strengths and potential risks in managing the funding agreement" (AANDC, 2014, 11).

As mentioned, the TEFA came into effect in September 2012 for a five-year term. Under TEFA, fixed and block contribution agreements offer effectively the same level of predictability and stability because both are formula-driven, multi-year agreements. If the TEFA model were applied to education jurisdiction, it would be preferable for the agreement to be a multi-year agreement as this would offer greater predictability and stability than a series of annual agreements. Annual funding agreements would significantly hinder the ability of First Nations to effectively conduct long-term education planning. Assuming a multi-year funding agreement for education jurisdiction, this option fulfills the criterion of stability and predictability.

Clause 4.11 of the TEFA provides for amendments "from time to time as may be required to ensure the purpose of this agreement is met on an on-going basis." Comparing the 2013-2014 and 2014-2015 AANDC BC Region Program Guides, these amendments appear to lag behind the provincial funding increases. The basic amount under TEFA in 2013-2014 was \$6,784 per student (AANDC, 2013, 56), which corresponds to the provincial basic allocation for 2012-2013 (BC MOE, Resource Management Division, 2012, 4). In 2013-2014 the provincial basic allocation increased to \$6,900 (BC MOE, Resource Management Division, 2013, 4). This increase was reflected in the TEFA formula in 2014-2015 (AANDC, 2014, 55). The lag in adjusting TEFA funding levels suggests that provincial changes in funding are not entirely predictable. Otherwise, it appears that funding increases to the elements in TEFA must be negotiated when the agreement is renewed.

### ***Adequacy***

TEFA funding is only partially adequate. As discussed above, funding for adult learners, operations and maintenance, and technology could be improved according to FNEC. Moreover, TEFA does not provide funding for language and culture nor does it include provisions for school capital. Currently, separate programs exist for high-cost

special needs students and school capital that would need to be incorporated into an education jurisdiction funding agreement in order to fully fulfill the adequacy criterion.<sup>38</sup>

### ***Equity***

Under TEFA, First Nations schools receive roughly the same funding as provincial schools. However, the formula is not based on the costs of providing education in First Nations communities. Applying an adaptation of the provincial funding formula to First Nations schools promotes formal equality, but not substantive equity. The current funding formula does not provide funding for language and culture required to achieve the First Nations education system's objectives of grounding students in their culture and revitalizing First Nations languages. As such, this option only partially meets the criterion of equity.

### ***First Nations Acceptability***

As discussed, the TEFA funding model is only partially acceptable to First Nations. While TEFA is superior to the Band Operated Funding Formula, there are still a number of items that First Nations want to negotiate.

### ***Administrative Complexity***

As TEFA is the status quo, it would not be very complex administratively to adapt for application to First Nation education jurisdiction. As discussed, funding currently provided through separate programs for high-cost special needs and school capital would need to be included to ensure First Nations have full jurisdiction over education.

## **6.4. Improved Tripartite Education Framework Agreement**

Whereas section 6.3. analyzes the TEFA funding model in its currently form, an improved TEFA funding agreement would essentially be a 'status quo plus' option. An improved TEFA could address the areas that FNEC has identified that it wants to address as it prepares for the negotiation of a second TEFA in 2017. As discussed,

<sup>38</sup> Whether these programs currently provide adequate funds is beyond the mandate of this study.

these include securing funding for language and culture, improving funding for adult students, providing for operations and maintenance and technology, and a plan to address school capital. An improved TEFA would include these areas as new line items, but could also enhance funding to existing line items. For example, prior to TEFA, adult learners were funded at the same rate as school-aged students. Under TEFA, funding for adult learners was decreased to \$4,430 per student—the rate at which adult education is funded in the provincial school system. Deborah Jeffrey says that this reduction in funding significantly affected First Nations.<sup>39</sup>

#### **6.4.1. Evaluation of an Improved Tripartite Education Framework Agreement**

##### ***Predictability and Stability***

As with the current TEFA, if applied to education jurisdiction, an improved TEFA would be more predictable and stable as a multi-year agreement. I expect that the basic student amount would be adjusted annually to reflect changes in the provincial student allocation. A review and renegotiation of the other rates would occur at the time of the agreement's renewal. Again, assuming a multi-year funding agreement, this option fulfills the criterion of stability and predictability.

##### ***Adequacy***

Funding under an improved TEFA would be better than the status quo. Including funding for language and culture, a plan for school capital, and improving funding for operations and maintenance, technology, and adult students would improve the adequacy of First Nations education funding. However, an improved TEFA would still be only partially adequate to the extent that it relies on the provincial funding formula and that these rates do not reflect the costs to fund First Nations education systems for the same reasons discussed in the analysis of the current TEFA model.

<sup>39</sup> Interview by author, February 11, 2015.

## ***Equity***

How well an improved TEFA promotes substantive equity would depend on whether it includes ample funding for language and culture as well as improved funding for adult students, operations and maintenance, technology, and a plan to address school capital. If an improved TEFA addresses all of these, then it has the potential to fully meet the criterion of substantive equity.

## ***First Nations Acceptability***

An improved TEFA could be fully acceptable to First Nations depending on the extent to which it addresses items identified as necessary for negotiation.

## ***Administrative Complexity***

The implementation complexity of an improved TEFA is low. The complexity in implementing this option rests on costing the requirements for language and culture, a school capital plan, and other line items for which funding rates are revised. The Parliamentary Budget Office (Stark, 2013) examined British Columbia First Nations' funding requirements for school capital. Costing the requisite language and culture funding could be complex depending on how well-defined and developed First Nations' vision of programming requirements are. Once program requirements are determined, however, adding language and culture as a line item in the TEFA funding formula is relatively easy administratively.

## **6.5. Needs-Based Funding**

A needs-based formula funds schools according to their assessed requirements to provide education. This policy option resembles the existing TEFA and provincial models in the sense that it provides funding on a per student basis. However, a needs-based model is more comprehensive in assessing First Nations' requirements to meet the educational needs of their learners. A needs-based formula would provide funding according to the costs of delivering education in a First Nations school system rather than the rates used in provincial funding formula. As Levačić and Ross (1999) argue, "the amount which is allocated to each school is directly derived from an analysis of what



the school needs to spend in order to provide a specified quality of education for its students” (26). As such, needs-based funding offers a bottom-up approach to determining the education funding required. As mentioned, American education finance experts Jay Chambers and Thomas Parrish relied in part on the advice of teachers and school administrators to determine funding needs (Guthrie and Rothstein, 1998).

The aims of the education system are central to determining the cost of providing needs-based funding. In order to cost out the required resources for the education system, the curricula and other services to be provided need to be defined. In the case of First Nations education jurisdiction in British Columbia, these are to be partially defined by a schedule of “Education Programs and Services” attached to the jurisdiction funding agreements. The basic student amount would include the costs of providing an agreed-upon, broadly-defined curriculum (to allow First Nations to adapt it to be culturally-relevant to their communities as opposed to a pan-Aboriginal curriculum), as well as a certain level of agreed-upon second and third-level services. Supplementary allocations are provided according to individual student needs to ensure that students can maximize their potential in spite of learning difficulties or other disadvantages. The strength of a needs-based formula is its focus on individual students.

If funding is to be provided per student, additional supplements would need to be calculated to ensure adequate school operations and maintenance funding. Similarly, climate and geography affect the education costs in terms of heating, snow removal, and increased salaries that need to be offered to attract and retain high-calibre staff. These funding supplements ensure that the funds individual First Nations receive adequately reflect their actual costs of providing education. Needs-based formulas can thus become a cumbersome way to fund school operating costs which do not necessarily correspond well to student numbers.

### **6.5.1. Evaluation of Needs-Based Funding**

#### ***Predictability and Stability***

As with the other policy options, a multi-year agreement would provide the stability and predictability required to effectively operate a school system. However, the

per-student nature of needs-based funding is potentially volatile because it is enrollment-driven. If capital funding is done per student instead of as a block (as under the base allocation funding model described below), the formula would need to include funding protection for enrollment decline, otherwise the per student rates might require constant revision.

Another issue affecting predictability and stability is whether funding rates include escalators to compensate for inflation during the term of the agreement or whether rates are simply revised during the renewal of the agreement. Assuming appropriate escalators for inflation, provisions for funding protection against enrollment decline, and a multi-year agreement, this policy option would fulfill the criterion of predictability and stability.

### ***Adequacy***

The strength of a needs-based model is its responsiveness to students' educational needs. As the model is based on the cost of delivering education in First Nations communities, needs-based funding prospectively provides sufficient funding to effectively operate schools. Moreover, supplemental funding for geographic and other factors affecting the cost of providing education in different communities ensures that all First Nations receive sufficient resources. As such, this model exceeds the adequacy criterion.

### ***Equity***

In a needs-based formula, the aims of First Nations education are central to determining funding to ensure adequate resources are provided. Moreover, the needs-based model allows for students' learning needs to be assessed comprehensively and funded accordingly through supplemental grants. Such a model thus ensures that First Nations students have the opportunity to meet their full potential, and therefore more than meets the substantive equity criterion.

### ***First Nations Acceptability***

The necessity of funding commensurate with need has been central to First Nations' education advocacy. As such, I believe that a needs-based funding model would be fully supported by First Nations.

### ***Administrative Complexity***

This policy option would be administratively complex to implement and potentially cumbersome to administer because of the need to calculate funding supplements. The cost of providing education in First Nations communities would need to be calculated in order to establish the funding rates. This could be done through activity-led funding. Abu-Duhou, Downes, and Levačić (1999) define activity-led funding as

an approach to resource allocation among schools that is guided by a funding formula based on the analysis of the costs of the teaching and learning activities required to provide and support specified educational programmes for students in specified grade levels (60).

The average of these costs across many or all First Nations schools in the province could then be taken to construct a formula applicable to all First Nations under jurisdiction. A First Nations cost of education index (Chambers, 1980) should also be developed in order to determine the funding supplements.

## **6.5.2. Base Funding + FTE Allocation**

This model is based on a report authored by Marie Matthew for FNEESC. Matthew argues that findings of a 1993 provincial education funding review focusing on economies of scale are relevant to First Nations. In particular, "Economies of scale applied to district level administration created an imbalance in funding that could be resolved by setting down a base allocation at the district level and a second allocation reflective of actual enrollment" (Matthew, 2000, 35). This imbalance in funding is the result of the fundamentally different makeup, density, locations, and sizes of First Nations schools and territories compared to provincial school districts that are based on municipalities. As such, a funding model that includes the idea of economies of scale as

used in the provincial system is inappropriate, being designed for municipalities. This model offers a method by which to address the imbalance.

As mentioned in section 2.2., Matthew applies the provincial education funding formula to First Nations schools. For her calculations, Matthew (2000) uses two school compositions that “represent a conservative average number of students” according to AANDC nominal roll data for the 1999/2000 school year: an elementary school of 35 FTE students and an elementary/secondary school of 100 FTE students (21). Nominal roll data is not publicly available, so FNEC and/or AANDC would have to determine current average sizes of First Nations schools. Some consideration should also be given to the statistical mode size of a school in addition to the mean size. The average composition and sizes of schools would then be used to determine the base allocations of funding for First Nations assuming education jurisdiction. For example, if it is found that there are three compositions of schools most common in First Nations communities—an elementary school, an elementary/secondary school, and secondary school—and that the average sizes of these schools are 35, 100, and 75 respectively, then these would be the prototypes used to calculate the base allocation of funding.

In a base allocation + FTE funding model, the school is the unit of measurement for the base funding allocation, which is then topped up with an additional allocation based on number of FTE students. An interview with an Aboriginal policy expert for this study raised the question of whether First Nations education funding would be analogous to funding individual schools or school districts as understood in the provincial school system.<sup>40</sup> As the purpose of the education jurisdiction agreement is to further enable the development of a First Nation school system in British Columbia, it would seem that education funding to individual First Nations (as opposed to the funding for the First Nation Education Authority) would be more akin to funding school districts, irrespective of the number of schools a First Nation operates, as secondary services are often coordinated at the school district level in the provincial education system. I would caution against relying on the provincial school system conception of a school system to understand the potential structure of a First Nation education system as First Nations

<sup>40</sup> Interview by author, March 6, 2015.

may choose to organize secondary and tertiary services differently. In fact, First Nations' jurisdiction over education means that First Nations have both second and third level education service roles.

Under this model, a base allocation of funding would be the cost of running a school plus an agreed-upon level of secondary and tertiary services. This allocation would be based on the average number of students in the type of school, as well as operation and maintenance costs. The base allocation would ensure that no First Nation would get less than the specified amount calculated as required to run a school. The base allocation for each First Nation would depend on the number of schools it operates. For example, one First Nation might have a single elementary/secondary school, whereas another might have independent elementary and secondary schools.

The per student funding included in the base allocation would just be the basic amount for the average number of students in that type of school. The additional per FTE student funding would serve to top up school funding for additional students above the average number attending the school, as well as supplementary per student funding for other student needs. The per student component would also include additional funding required for transportation, additional staff required, and other costs associated with running school(s) larger than ones covered by the base funding. All funding rates in this model are based on the cost of delivering education in First Nations schools under First Nations jurisdiction.

### **6.5.3. Evaluation of Base-Funding + FTE Allocation**

#### ***Predictability and Stability***

A multi-year funding agreement would be preferable to ensure stability and predictability of funding. In order to ensure that funding is not eroded by inflation during the term of the agreement, escalators to adjust funding levels to inflation should be included. The funding levels of the agreement could be reviewed and revised at the end of the agreement's term when it is renegotiated. Assuming a multi-year funding agreement with guards against inflation, this policy option has the potential to achieve complete stability and predictability.

### ***Adequacy***

First Nations with small student populations are often disadvantaged by funding that is entirely driven by enrolment because of the economies of scale assumed in the funding rates. The benefit of this model is that it enables all First Nations to operate schools in their communities because the base funding in this model provides a minimum adequate financial resourcing of First Nations schools. The per student component ensures that funding is reflective of student needs. This policy option thus more than meets the adequacy criterion.

### ***Equity***

The principle underlying this model is to determine the cost of providing education in First Nations communities. It therefore considers the objectives of First Nations education and would include funding for language and culture programming and other provisions to meet student needs. The model also ensures that every school has a minimum adequate level of resources required to operate. As such, this policy option more than fully meets the criterion of substantive equity.

### ***First Nations Acceptability***

This policy option is significantly different from how First Nations education has been funded in the past. As Deborah Jeffrey argues, “TEFA has fundamentally altered the discussion.”<sup>41</sup> Any education jurisdiction funding discussions will necessarily need to consider TEFA. This funding model provides more ample funding than the status quo, considers student needs, and enables small communities to operate adequately-resourced schools. I think First Nations would regard this option favourably and so rank it as fully meeting the criterion of stakeholder acceptability.

### ***Administrative Complexity***

This policy option would be administratively complex to implement. As discussed, the average composition(s) of schools and their student populations would need to be determined in order to establish the base allocation(s). Next the costs of delivering

<sup>41</sup> Interview by author, February 11, 2015.

education in First Nations communities would need to be determined in order to establish the base allocation(s) and per student rates. As discussed in the administrative complexity of needs-based funding, education costs could be determined through activity-led funding and by developing a First Nations cost of education index (Chambers, 1980).

## 6.6. Evaluation Summary

As discussed in section 5.3., the policy options are assessed on whether they partially meet, fulfill, or exceed the criteria. Administrative Complexity is assessed on whether the policy option is low, medium or high complexity. Table 6.1. summarizes the evaluation of the policy options.

**Table 6.1. Evaluation Summary**

Criteria	TEFA	Improved TEFA	Needs-Based	Base Funding + FTE
<b>Probability and Stability</b>	Fulfills (2)	Fulfills (2)	Fulfills (2)	Exceeds (3)
<b>Adequacy</b>	Partially (1)	Partially (1)	Exceeds (3)	Exceeds (3)
<b>Equity</b>	Partially (1)	Fulfill (2)	Exceeds (3)	Exceeds (3)
<b>First Nations Acceptability</b>	Partially (1)	Fulfills (2)	Fulfills (2)	Fulfills (2)
<b>Administration Complexity</b>	Low (1.5)	Low (1.5)	High (0.5)	High (0.5)
<b>Total</b>	6.5	8.5	10.5	11.5

## **Chapter 7.**

### **Recommendation and Conclusion**

#### **7.1. Recommendation**

The Base Funding + FTE Allocation model marginally outperforms the Needs-Based funding model. The two policy options both explicitly consider First Nations objectives for education and student needs. Most school operating costs are included in the base component of the base funding model, which may make it less administratively complex to administer. The additional FTE-based allocation acts as a top up based on enrollment and student needs. The needs-based policy option is fully enrollment-driven in its funding allocation and may become administratively cumbersome if numerous supplements are used to adequately cover school operating and maintenance costs.

The needs-based model is less of a departure from the status quo and therefore may be more politically feasible to implement. In practice, it may bear close resemblance to the TEFA or provincial funding formulas in terms of the line items, but the rates of the formula components are determined according to the cost of providing education in First Nations communities.

Both policy options should be further researched. This research should be done in conjunction with First Nations to determine what school systems under their jurisdiction might look like and thus what the educational needs are. Quantitative research should also be undertaken in order to assign costs to both models and make projections about the funding requirements for First Nations education jurisdiction. This quantitative research would require access to nominal roll data and other information that is not publicly available. FNEESC and/or AANDC would therefore be in the best



position to conduct this research. AANDC should financially support this research as part of the cost of implementing education jurisdiction.

## **7.2. Further Considerations and Opportunities for Future Research**

### **7.2.1. Language and Culture**

Language and culture are an inextricable part of First Nations education. Aboriginal pedagogy is a strength of Aboriginal educators and academics. The scope of this study did not allow me to examine the rich pedagogical literature on Aboriginal language and cultural education. Nonetheless, determining the program funding needs of First Nations' vision for language and cultural education is a crucial aspect of determining education jurisdiction funding requirements. The design of language and cultural education should be further defined so that costing can be undertaken to determine the requisite funding.

Some First Nations look to federal funding for French schools outside of Quebec as a possible model for First Nations language and culture education. However, an expert in Indigenous education interviewed for this study cautions that using French education as a blueprint can be limiting and may not be suitable to language and cultural revitalization of First Nations.<sup>42</sup>

### **7.2.2. The Non-Enrichment Obstacle**

Ultimately any pursuit to secure adequate funding for First Nations jurisdiction over education will face the obstacle of the federal policy of non-enrichment. The Government of Canada's 1995 Inherent Right Policy states:

... self-government agreements, including treaties, *will not include any program enrichment*. Any decisions by the federal government regarding program enrichment would have to be made *within the context of that*

<sup>42</sup> Interview by author, February 26, 2015.

*program* and by the department concerned, *not as a consequence of self-government agreements* (AANDC, 1995, 16, emphasis added).

In other words, funding for First Nations education cannot be better under self-government than under the *Indian Act*. Ostensibly the federal government has taken this stance so as not to disadvantage First Nations who have not pursued self-governance. This non-enrichment policy poses a significant limitation to education jurisdiction as under the *Indian Act* education funding is insufficient to establish a First Nations school system.

One solution would be for AANDC to improve education funding for all First Nations irrespective of whether they have assumed jurisdiction over education. First Nations education funding across Canada drastically needs improvement. Such an endeavour at the national level will not be easy, especially in light of the debacle of Bill C-33 First Nations Control of First Nations Education Act in 2014.

First Nations in British Columbia have pursued educational improvement by organizing at the provincial level through FNEESC. First Nations education in British Columbia is funded through TEFA, as opposed to the Band Operated Funding Formula as elsewhere in Canada. Consequently, further research should be done to determine whether First Nations education funding could be improved in AANDC's BC Region independently of First Nations elsewhere in Canada.

### **7.2.3. The Canadian Human Rights Tribunal on First Nations Child Welfare**

Along with the AFN, in 2007 the First Nations Child and Family Caring Society filed a complaint with the Canadian Human Rights Tribunal. The complaint asserts that Canada is discriminating against First Nations children and families living on-reserve by not providing the same level of child welfare services as is available to other Canadians (First Nations Child and Family Caring Society, 2014). The Tribunal is expected to render its decision in 2015. This decision will likely make its way to the Supreme Court of Canada. If the Supreme Court finds in favour of the First Nations Child and Family

Caring Society it could have implications for the funding levels of services to First Nations—including education. This case should thus be followed with close attention.

#### **7.2.4. Opportunities for Comparative Research**

A lack of available literature prevented me from undertaking a comparative analysis of how different First Nations across Canada are pursuing education jurisdiction. The necessary interviews required to compensate for the lack of literature would be significant and impose too great a burden on potential participants. In Nova Scotia, the Mi'kmaw First Nations have assumed education jurisdiction through Mi'kmaw Kina'matnewey, a provincial-level organization. The Anishinabeg in Ontario are also negotiating provisions relating to education jurisdiction in the context of a self-government agreement. A comparative study could survey the similarities and differences in First Nations' approaches to jurisdiction. Such a study would benefit other First Nations considering education jurisdiction as well as enrich Aboriginal policy practitioners' knowledge about what has and has not worked well.

Similar opportunities for research exist for studying First Nations who have opted for greater integration with provincial school systems, like Nisga'a and the James Bay Cree of northern Quebec.

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## Appendix A.

### TEFA Funding Formula

Funding Components of TEFA including the following:

<b>Basic amount</b>		Rate (\$6,900) x school aged FTEs
<b>Adult Education</b>		Rate (\$4,430) x adult FTEs
<b>Enrolment Decline</b>		
1 year decline	<i>if ≤ 1%</i> <i>if ≤ 4%</i>  <i>if &gt;4%</i>	\$0 (Decline % - 1) x previous SA FTEs x basic allocation rate (\$6,740) x 50% (Decline % - 4) x previous SA FTEs x basic allocation rate (\$6,740) x 75% <i>plus the above amount calculated at 4%</i>
3 year decline	<i>if ≤ 7%</i> <i>if &gt;7%</i>	\$0 (Decline % - 7) x 3 years previous SA FTEs x basic Allocation rate (\$6,740) x 50%
<b>Aboriginal Education</b>		Rate (\$1,160) x school aged enrolments
<b>ESL / ESD</b>		Rate (\$1,340) x incidence rate (22.6%) x school aged enrolments
<b>Small Community</b>		
School aged Elementary FTEs	<i>if ≤ 110</i>  <i>if &gt;110, ≤250</i>  <i>if &gt;250</i>	Rate (\$12,200) x SA Elementary FTEs, to a max of \$157,500 Funding max (\$157,500) - (SA Elementary FTEs over 110 x \$1,125) \$0
School Aged Secondary FTEs	<i>if ≤ 100</i> <i>if &gt;100, ≤635</i>  <i>if &gt;635</i>	Rate (\$4,547.50) x SA Secondary FTEs Funding max (\$454,750) - (SA Secondary FTEs over 100 x \$850) \$0
School Aged 11 & 12 FTEs	**need to be eligible for Secondary supplement** <i>if ≤15</i> <i>if &gt;15, ≤215</i>  <i>if &gt; 215</i>	Rate (\$12,200) x SA 11&12 FTEs Funding max (\$183,000) - (SA 11&12 FTEs over 15 x \$915) \$0
Factor increase		A percentage increase applied when the Basic amount rate increases without a corresponding increase in the funding maximums for the Small Community amount.
<b>Low Enrolment</b>		(Rate (\$926) x school aged FTEs) + (# of schools x \$23,145)

<b>Rural Supplement</b>	Basic allocation amount x rural index x 20%
<b>Climate Supplement</b>	Basic allocation amount x climate index x 5%
<b>Salary Equalization</b>	Rate (\$181) x school aged FTEs
<b>Non-OGM Funding</b>	Formula subtotal (all of the above totals) x rate increase (5.97%)
<b>Technology Support</b>	
BCeSIS Funding	Total enrolments x \$20
Technology Funding	Cost supplied by FNEESC <i>or</i> average of costs provided if not given
<b>Education Minor Capital</b>	Rate (\$100) x school aged FTEs
<b>Transportation</b>	Eligible enrolments calculated as: 100% of students in Kindergarten to Grade 3, plus 80% of students in Grades 4-12, plus 50% of adult students
If eligible enrolments >47	Eligible enrolments x rate (\$547.30)
>35	Eligible enrolments x rate (\$713.80)
>23	Eligible enrolments x rate (\$864.60)
<23	Eligible enrolments x rate (\$993.50)

Source: AANDC BC Region Program Guide 2014/2015, 55-56.

## Appendix B.

### Comparison of TEFA and Provincial Funding Formula

This table compares the TEFA funding formula as found in AANDC's BC Region 2014-2015 Program Guide to the 2014-2015 British Columbia Ministry of Education Operating Grants Manual that are disbursed in September. The provincial Operating Grants Manual distributes the basic student amount in three installments in September, February, and May to reflect changes in enrollment and so has three grants. These February and May grants are not considered in the comparison below; instead, the total Basic Amount per student is compared.

An April 14, 2015 update by FNEESC and FNSA on the TEFA advises that AANDC made "readjustments to the Tripartite Education Framework Agreement (TEFA) school funding for the 2014/2015 school year" were made in January 2015 (FNEESC/FNSA, 2015, 1). These changes include:

- "a Vulnerable Students component for each school-age FTE student"
- "a new Student Location Factor, which replaces the previous transportation funding component"
- "Education Plan funding at \$20 per school aged FTE student"
- "an increase in Non-Operating Grants funding to 7.75% (including a one-time 2.15% increase for the collective agreement settlements in response to the teachers' labour dispute)"
- "increased funding for Minor Capital" (FNEESC/FNSA, 2015, 1).

These funding changes are not reflected in the comparison below as specific numbers are not yet publicly available for these new provisions.

Funding Component	TEFA	Province
Basic Amount per school aged FTE	\$6,900	\$6,900
Adult Education per FTE	\$4,430	\$4,430
Enrolment Decline 1 year decline  if $\leq 1\%$	\$0	\$0

Funding Component	TEFA	Province
<p>3 year decline</p> <p>if ≤ 4%</p> <p>if &gt; 4%</p> <p>≤ 7%</p> <p>&gt; 7%</p>	<p>(Decline % - 1) x previous school-aged FTEs x <b>basic allocation rate (\$6,740)</b> x 50%</p> <p>(Decline % - 4) x previous school-aged FTEs x <b>basic allocation rate (\$6,740)</b> x 75% plus the above amount calculated at 4%</p> <p>\$0</p> <p>(Decline % - 7) x 3 years previous school-aged FTEs x <b>basic allocation rate (\$6,740)</b> x 50%</p>	<p>50% of the <b>Basic Allocation [\$6,900]</b> for enrolment in Standard schools</p> <p>75% of the <b>Basic Allocation [\$6,900]</b> for enrolment in Standard schools</p> <p>\$0</p> <p>50% of the <b>Basic Allocation [\$6,900]</b> for enrolment in Standard schools</p>
<p><b>Special Needs Students</b></p> <p>For each Level 1 headcount student</p> <p>For each Level 2 headcount student</p> <p>For each Level 3 headcount student</p>	<p>Special needs funding for First Nations students in First Nations schools are allocated through a separate program, the Special Education Program administered by FNEC</p>	<p>\$36,600</p> <p>\$18,300</p> <p>\$9,200</p>
<p><b>Other Unique Student Needs</b></p> <p><b>Language</b></p> <p><b>Aboriginal Education</b></p>	<p>ESL/ESD: \$1,340 x incidence rate (22.6%) x school aged enrolments</p> <p>\$1,160 x school aged enrolments</p>	<p>\$1,340 for each English/French Language Learning headcount student</p> <p>\$1,160 for each Aboriginal Education headcount student (Targeted)</p>
<p><b>Vulnerable Students</b></p>	<p>-</p>	<p>“The Supplement for Vulnerable Students provides funding to districts to assist with providing services to vulnerable students in addition to the CommunityLINK special purpose grant.”</p> <p>Supplement is calculated based on the following factors and sub-components:</p> <p><b>Economic conditions(65%)</b></p> <ul style="list-style-type: none"> <li>o Income Assistance (40%)</li> <li>o Deep poverty (30%)</li> <li>o Moderate poverty (30%)</li> </ul>

Funding Component	TEFA	Province
		<p><b>Demographic vulnerability (12.5%)</b></p> <ul style="list-style-type: none"> <li>o Aboriginal population (50%)</li> <li>o Single parent (30%)</li> <li>o Recent immigrant (20%)</li> </ul> <p><b>Social conditions (12.5%)</b></p> <ul style="list-style-type: none"> <li>o Children in care (60%)</li> <li>o Serious crime (20%)</li> <li>o Suicide/homicide (20%)</li> </ul> <p><b>Educational attainment (10%)</b></p> <ul style="list-style-type: none"> <li>o Adults without high school graduation (100%)</li> </ul>
<p><b>Salary Differential/Salary Equalization</b></p>	<p>\$181 x school aged FTEs</p>	<p>The Supplement for Salary Differential includes the Provincial Average Salary Differential and a per FTE allocation.</p> <p>Calculation for salary differential involves an number of steps:  Count of number of regular teachers.  Average educator salary is calculated (Base salary + isolation allowance = total salary).  Each district's average teacher salary is compared to the provincial average to determine variance.  Variance x estimated number of educators (determined by total district enrolment ÷ 18).  Estimated number of educators x salary differential for each district = Provincial Average Salary Differential.  Per FTE amount is allocated based on total district enrolment of school-aged and adult students.</p>
<p><b>Elementary Small Community Funding</b></p> <p>School Aged Elementary FTEs</p> <p style="text-align: right;">≤ 8</p> <p style="text-align: right;">≤ 110</p> <p style="text-align: right;">110 &lt; x ≤ 250</p>	<p style="text-align: center;">-</p> <p>\$12,200 x school aged Elementary FTEs, to a max of \$157,500</p> <p>Funding max (\$157,500) – (school aged elementary FTE over 110 x \$1,125)</p>	<p style="text-align: center;">\$75,000</p> <p style="text-align: center;">\$157,500</p> <p>\$157,500 – (\$1,125 x (FTE – 110))</p>

Funding Component	TEFA	Province
> 250	<p style="text-align: center;">\$0</p> <p>Factor Increase: A percentage increase applied with the Basic amount rate increases without a corresponding increase in the funding maximums for the Small Community Amount.</p>	-
<p><b>Elementary Small Community Funding – Small Remote Schools</b></p>	-	<p>Eligibility: Communities with <math>\leq 75</math> elementary school-age FTE students and at least one of the following:</p> <ul style="list-style-type: none"> <li>• The school is located at least 40 km by road from the next nearest elementary school</li> <li>• The school is located at least 5 km from the next nearest elementary school, which can only be accessed by gravel road, logging road or by water</li> </ul> <p>For each community with <math>\leq 15</math> FTEs: \$160,000 16-75 FTEs: \$180,000</p>
<p><b>Secondary Small Community Funding</b></p> <p>School Aged Secondary FTEs</p>	<p>If <math>\leq 100</math> \$4,547.50 x school aged secondary FTE</p> <p>If 100-635 Funding max (\$454,750) – (School Aged Secondary FTEs over 100 x \$850)</p> <p>If <math>&gt; 635</math> \$0</p> <p>Factor Increase: A percentage increase applied with the Basic amount rate increases without a corresponding increase in the funding maximums for the Small Community Amount.</p>	<p>Eligibility: Communities with <math>\leq 635</math> secondary school-age FTE students</p> <p style="text-align: center;">\$4,547.50 x FTEs</p> <p style="text-align: center;">\$454,750 – (\$850 x (FTEs – 100))</p> <p style="text-align: center;">-</p>

Funding Component	TEFA	Province
<p><b>Grade 11 and 12 Small Community Funding</b></p> <p>School Aged Grade 11 &amp; 12 FTEs</p> <p style="text-align: right;">If <math>\leq 15</math> FTE</p> <p style="text-align: right;">If 15-215</p> <p style="text-align: right;">If <math>&gt; 215</math></p>	<p>Eligibility: Secondary Supplement</p> <p style="text-align: center;"><math>\\$12,200 \times \text{school aged FTEs}</math></p> <p>Funding max (<math>\\$183,000</math>) – (School Aged 11 &amp; 12 FTEs over 15 x <math>\\$915</math>)</p> <p style="text-align: center;"><math>\\$0</math></p> <p>Factor Increase: A percentage increase applied with the Basic amount rate increases without a corresponding increase in the funding maximums for the Small Community Amount.</p>	<p>Eligibility: Secondary Small Community Funding, and with Grades 11 and/or 12</p> <p style="text-align: center;"><math>\\$12,200 \times \text{FTE}</math></p> <p style="text-align: center;"><math>\\$183,000 - ((\text{FTE} - 15) \times \\$915)</math></p> <p style="text-align: center;">-</p>
<p><b>Low Enrolment</b></p>	<p><math>(\\$1,565 \times \text{school aged FTEs}) + (\# \text{ of schools} \times \\$39,115)</math></p>	<p>Based on the previous year's enrolment.</p> <p>2,500 or fewer District school-age FTEs: <math>\\$1,375,000</math></p> <p>2,500-15,000 District school-age FTEs:  <math>\\$1,375,000 - (\\$110 \times (\text{FTE} - 2,500))</math></p>
<p><b>Rural Supplement</b></p>	<p>Basic allocation amount [<math>\\$6,900</math>] x rural index x 20%</p>	<p>Calculated using population of the city in which the Board office is located; Distances from Board office to Vancouver and the nearest regional centre.</p> <p>Previous September's Basic Allocation funding [<math>\\$6,900</math>] x rural index, weighted 20%</p>
<p><b>Climate Supplement</b></p>	<p>Basic allocation amount [<math>\\$6,900</math>] x climate index x 5%</p>	<p><math>((\text{Total Climate Days} - \text{provincial minimum}) / 10,000) \times \text{previous year's Basic Allocation } [\\$6,900] \times 5\%</math></p>
<p><b>Non-OGM Funding</b></p>	<p>Formula subtotal ( all of the above totals) x rate increase (5.97%)</p>	<p>N/A item unique to TEFA</p>
<p><b>Technology Support</b></p> <p>BCeSIS Funding</p>	<p>Total enrollment x <math>\\$20</math></p>	<p>N/A item unique to TEFA</p>



Funding Component	TEFA	Province
Technology Funding	Cost supplied by FNEESC or average costs provided if not given	Technology not explicitly funded in provincial Operating Grants Manual
<b>Minor Capital</b>	\$100 x school aged FTEs	Not explicitly funded in provincial Operating Grants Manual
<b>Transportation</b>  If eligible enrolments: <div style="margin-left: 20px;"> &gt;47  &gt;35  &gt;23  ≤23 </div>	Eligible enrolments calculated as: 100% of students in Kindergarten to Grade 3, plus 80% of students in Grades 4-12, plus 50% of adult students.  Eligible enrolments x rate (\$547.30) Eligible enrolments x rate (\$713.80) Eligible enrolments x rate (\$864.60) Eligible enrolments x rate (\$993.50)	Not explicitly funded in provincial Operating Grants Manual
<b>Sparseness Factor</b>	-	<p>“The Sparseness Index addresses the fact that certain districts have a greater financial burden than others resulting from the separation of schools from the board office. Additional costs arise from increased travel.”</p> <p>Sparseness Index (weighted at 12%) x previous year’s Basic Allocation.</p>
<b>Student Location Factor</b>	-	<p>“The Student Location Factor provides funding to districts based on standard school enrolment and the school-age population density of communities within that district.”</p> <p>Every weighted elementary FTE=\$255. Every weighted secondary FTE=\$340.</p> <p>A district base amount of \$50,000 is provided to every district with less than 500 FTE enrolled in standard schools during the previous year.</p>

Funding Component	TEFA	Province
<b>Supplemental Student Location Factor</b>	-	This grant supplements the Student Location Factor. Based on the previous year's September enrolment, it provides \$5,000 for every eligible level 1 special needs student, and \$1,000 for every eligible Level 2 special needs student.
<b>Funding Protection</b>	-	"Funding Protection is an additional amount provided to eligible school districts to ensure that districts are protected against any funding decline larger than 1.5% when compared to the previous autumn."
<b>Supplement for the Education Plan, 2014/15</b>	-	Funding to assist with the implementation of the Education Plan in 2014-2015.
<b>Summer Learning</b>	-	<p>Funding provided for non-graduate school-age students who enrol in summer classes.</p> <p>Grades 1-7: "Courses that align with the provincial curriculum and have a minimum of 40 hours of instruction will be funded at \$200 per student (headcount)."</p> <p>Grades 8-9: "Courses that align with the provincial curriculum and have a minimum of 40 hours of instruction will be funded at \$200 per course."</p> <p>Grades 10-12: "Partial courses that align with the provincial or board/authority authorised curriculum and have a minimum of 40 hours of instruction will be funded at \$200 per course. Four-credit courses that meet all provincial or board/authority authorised learning outcomes within the provincial curriculum will be funded at \$400 per course."</p>

Funding Component	TEFA	Province
<b>Summer Learning Supplemental Funding</b>	-	<p>“Students eligible for summer learning funding who also qualify for English/French Language Learning, Aboriginal Education and/or special needs funding will be funded at 1/16 of the appropriate supplement(s).”</p> <p>For each Level 1 headcount student: \$2,288</p> <p>For each Level 2 headcount student: \$1,144</p> <p>For each Level 3 headcount student: \$575</p> <p>For each English/French Language Learning headcount student: \$84</p> <p>For each Aboriginal Education headcount student: \$74</p>