



March 12, 2018

Ms. Sonnia Sihota

Acting Director

First Nations, Métis and Inuit Education Directorate

sonnia.sihota@gov.ab.ca

sent by email, hard copy to follow

Dear Ms. Sihota:

Re: Feedback on Draft Education Services Agreement Standards

Thank you for the opportunity to provide feedback on the Draft Education Services Agreement Standards resulting from recent changes to the *School Act*. The Alberta School Boards Association (ASBA) has had an opportunity to review the draft standards and notes that similar draft Proposed Standards for ESAs were circulated by Alberta Education in February 2015 for discussion as part of the anticipated proclamation of the *Education Act* which contained a provision similar to what is now part of the amended section 62 of the *School Act*. At that time ASBA provided a response.

The draft standards have implications for school boards which raise the following questions or concerns:

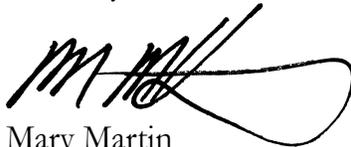
- Once the Proposed Standards are formally approved by the Minister of Education through a Ministerial Order, will the standards apply only to new ESAs entered into after the Ministerial Order is approved or will all current ESAs require renegotiation in order to comply with the standards? A number of boards are still operating under “tuition agreements” with the Government of Canada that, in some cases, are decades old. It will be a substantial undertaking to renegotiate all of these agreements. While some boards have already moved forward with negotiating agreements, a number of agreements are likely not currently in compliance and this will need to be addressed in a manner that is functional.
- If all ESAs must be renegotiated to comply with the new standards, are there timelines in place by which this must take place? Will the timelines consider the often slow pace of negotiations with the Government of Canada? Is there a potential that boards will be deemed non-compliant if these agreements are not renegotiated by the time the standards are approved through Ministerial Order? It should be noted that in 2015 boards had notice of almost a year that they were required to renegotiate the agreements.
- School boards are only one party to ESAs. Critically, where are the Ministry’s discussions at with the Government of Canada, as well as Treaty 6, 7, and 8 with respect to the standards? The *School Act* and the Alberta government cannot mandate either Canada or the First Nations to comply with the standards. If they are not willing to

voluntarily comply with them, how can school boards be held accountable for complying with them?

- Both the current and the 2015 Proposed Standards state that tuition fee calculations for First Nation students living on-reserve attending schools operated by school boards shall be based on the *Funding Manual* allocation criteria. The experience has been that the Government of Canada often insists on tuition fee payments being calculated using the federal funding model. Again, while the standards apply to school boards, how can Alberta Education provide assurance that the federal government and bands are on the same page with respect to the funding model to be used? Further, there are currently a number of different funding models being used in ESAs across the province. It is likely that requiring that the Funding Manual model be used to calculate tuition fees may result in an increase in funding for some boards, but a decrease for others. This will depend on each board's particular arrangement.

We look forward to your response and the opportunity to discuss these important matters further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary Martin', with a large, sweeping flourish extending to the right.

Mary Martin
President
Alberta School Boards Association