



Modernizing the current Protocol for Agreements for Minority-Language Education and Second-Language Instruction: A Separate Tripartite Protocol

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[1] For decades, the Department of Canadian Heritage has concluded a protocol with the Council of Ministers of Education (Canada) ("CMEC") to govern the means for transferring federal funds to finance the additional costs of minority-language education and second language instruction.

[2] With a common voice, national organizations representing parents, communities and school boards are calling for the modernization of federal funding allocation systems directed at French language education in Francophone minority communities. They are demanding that best practices from other domains be applied to decisions made regarding minority language education. Although education falls under provincial / territorial jurisdiction, the federal government has the ability to subject the allocation of funds to the conditions it deems advisable.

[3] In this context, the FNCSF, the CNPF and the FCFA have produced a report entitled "**Objectif 2018/2023.**"

Granting the requests would enable the federal government to fulfill several of its commitments

[5] Granting the requests would ensure transparency and efficient use of federal funding for elementary and secondary education in the minority language, in accordance with the following priorities identified in the mandate letter written by the Right Honourable Justin Trudeau to the Honourable Mélanie Joly, Minister of Canadian Heritage:

I expect that our work will be informed by performance measurement, evidence, and feedback from Canadians. We will direct our resources to those initiatives that are having the greatest, positive impact on the lives of Canadians, and that will allow us to meet our commitments to them [...]

We have committed to an open, honest government that is accountable to Canadians, lives up to the highest ethical standards, and applies the utmost care and prudence in the handling of public funds.

The Protocol has three historical gaps that significantly undermine its effectiveness

[6] First, the Protocol allows provinces / territories to unilaterally determine the educational needs of the minority, which is contrary to section 23 of the *Canadian Charter of Rights and Freedoms* ("Charter

of Rights"). The Protocol does not require that Francophone Minority communities accept the terms of the agreement nor even that they be consulted on decisions relating to its implementation.

[7] Second, the Protocol does not allow the Department of Canadian Heritage nor the school boards to require effective accountability from the Ministries of Education in determining the purposes for which the funds are used.

[8] Third, funding for elementary and secondary education in French as a first language (outside of Quebec) is often used to fund essential costs (as guaranteed by section 23 of the *Charter of Rights*) and not the real additional costs of such education.

The solution: the adoption of a separate Tripartite Protocol

[9] We must give a real voice to the communities in relation to elementary and secondary education. Concretely, the FNCSF, the CNPF and the FCFA call for the adoption, in 2018, of a separate Tripartite Protocol.

[10] The new agreement would be "tripartite" as it would be an agreement between the Department of Canadian Heritage, the CMEC and the FNCSF. A separate Tripartite Protocol would carve out minority elementary and secondary education from the current Protocol. Certainly, the separate Tripartite Protocol would enable Francophone minority communities to accept the terms of the agreement, in order to prevent provincial / territorial governments from continuing to unilaterally determine the priorities of the minority French elementary and secondary education. It is no longer acceptable that the Protocol be the result of discussions held behind closed doors.

[11] The needs of Francophone minority communities in terms of elementary and secondary education must be at the heart of the Protocol renewal process. In this respect, the initiative of the Civic Community School of the *Table nationale sur l'éducation* (the "CCS"), chaired by the FNCSF, mobilizes all actors in the Francophone community outside of Quebec. The CCS is a partnership that has redefined the relationship between the Francophone community outside of Quebec and schools. It encourages the involvement of all actors in order to promote the success of learners of all ages as well as community vitality. The FNCSF, as one of the signatories to the Protocol, could assume a more important role in ensuring that federal funds are effectively spent in order to support elementary and secondary education in French, and to achieve the aims of the CCS.

[12] The creation of a separate Minority-Language Education Protocol is not a radical proposal. Such a request is simple: the federal government should apply its best practices in the area of funding to minority-language education. For example, it is now inconceivable to conclude an agreement in favour of an indigenous people without the latter being a signatory. The past Conservative government has concluded tripartite education agreements in which First Nations representative organizations were signatories. In addition, all that would be required is the implementation of the 2005 recommendations of the Standing Senate Committee on Official Languages, which were rejected by the government.

[13] The adoption of a separate Tripartite Protocol would be a positive step in terms of public policy; however, the adoption is also required by the *Charter of Rights* and the *Official Languages Act*.