



Protocol for Agreements

for Minority-Language Education
and Second-Language Instruction

2019–2020 to 2022–2023

between the Government of Canada
and the Provinces and Territories



cmec

Council of
Ministers
of Education,
Canada

Conseil des
ministres
de l'Éducation
(Canada)

The official logo of the Government of Canada, featuring the word "Canada" in a large serif font with a small maple leaf icon above the letter "a".

© Her Majesty the Queen in Right of Canada, 2020.
CH14-49/2020E-PDF
978-0-660-35668-6

Background

English and French are the official languages of Canada, as recognized by the Canadian Constitution, as well as by the *Official Languages Act* (R.S.C., 1985, c. 31 (4th sup.)), and the Government of Canada recognizes its responsibilities and undertakings with respect to those languages.

Section 23 of the *Canadian Charter of Rights and Freedoms* (1982) recognizes the right of Canadian citizens belonging to the English- or French-language minority in a province or territory to have their children educated in that language, at the primary and secondary levels, where numbers of students warrant, and this right includes, where the number of those children so warrants, the right to have them receive that instruction in minority-language educational facilities provided out of public funds.

Further to the report of the Royal Commission on Bilingualism and Biculturalism, the Government of Canada recognizes that for provincial and territorial governments, the provision of minority-language education and second-language instruction results in additional costs for the provincial and territorial governments and is prepared to contribute in part toward these additional costs.

In accordance with the *Official Languages Act*, the Government of Canada can undertake such measures as to encourage and assist provincial and territorial governments to offer members of official-language minority communities education in their own language and to provide everyone with the opportunity to learn English and French as a second language.

The Government of Canada and the provincial and territorial governments wish to foster dialogue and closer ties between English- and French-speaking communities.

The Government of Canada and the provincial and territorial governments also recognize the importance of learning English or French as a second language, and the provincial and territorial governments, in the context of their exclusive jurisdiction over education, agree to foster this learning through the second-language instruction programs that they provide.

This Protocol describes a strategic framework that will guide the Government of Canada in establishing, with each provincial and territorial government, the bilateral agreements that will define the minority-language education and second-language instruction interventions of each provincial and territorial government in the exercise of its responsibilities for education¹.

The terms “minority language” and “second language” refer to the two official languages of Canada: English and French. The bilateral agreement concluded between each provincial and territorial government and the Government of Canada specifies, as appropriate, which language, English or French, is the minority language and the second language.

Therefore, it is hereby agreed between the Minister of La Francophonie, on behalf of the Government of Canada, and the signatories, on behalf of their respective provincial and territorial governments, that the following statements constitute this Protocol.

¹ While it shares the main objectives of the Protocol for Agreements for Minority-Language Education and Second-Language Instruction, the Government of Quebec does not subscribe to this Protocol and intends to fully exercise its exclusive responsibility in this area on its territory. The conclusion of a bilateral agreement between the Government of Canada and the Government of Quebec, that respects Quebec's exclusive jurisdiction in education, will enable the Government of Quebec to obtain its share of federal funding. The Government of Quebec will continue to collaborate with other governments by sharing information and best practices.

1. Principles

In light of the foregoing, and in view of achieving the objectives set out below, the Government of Canada and the provincial and territorial governments agree to the following principles:

1.1 Exclusive jurisdiction

- Education falls within the exclusive jurisdiction of the provinces and territories. The provincial and territorial governments are responsible for establishing plans for, determining the objectives of, defining the contents of, setting priorities for, and evaluating their education programs, including minority-language education and second-language instruction programs.

1.2 Transparency and accountability

- The Government of Canada and the provincial and territorial governments recognize the importance of the principle of transparency, and they are accountable for their respective financial commitments to their taxpayers.
- Reporting measures for this Protocol are guided by principles of transparency, consistency, accuracy, timeliness and clarity.

1.3 Collaboration and consultation

- The Government of Canada and the provincial and territorial governments recognize the importance of collaboration with stakeholders that play a key role in minority-language education and second-language instruction, including representatives of minority school boards and school boards offering second-language programs. Provincial and territorial governments determine their respective consultation process.
- Stakeholder consultation is a guiding principle for successfully implementing the programs and initiatives undertaken through this Protocol.
- Representatives of the Government of Canada and the provincial and territorial governments will hold an annual bilateral meeting to review the implementation of the provincial and territorial action plans.

1.4 Education continuum

- The Government of Canada and the provincial and territorial governments recognize the importance of an education continuum in fostering the vitality of official-language minority communities.

2. Objectives

- 2.1** To help provide members of the English- or French-language minority in each province and territory with the opportunity to be educated in their own language and to experience cultural enrichment associated with that community.
- 2.2** To help provide English- or French-language majority learners in each province and territory with the opportunity to learn French or English as a second language and in so doing benefit from cultural enrichment.

3. Strategic framework

- 3.1** For the purpose of intergovernmental collaboration on minority-language education and second-language instruction, the Government of Canada and the provincial and territorial governments agree to a strategic framework that identifies, for each linguistic objective (minority-language and second-language), the six areas of intervention on which the Government of Canada's support is founded in terms of the provincial and territorial action plans set out in the bilateral agreements.
- 3.2** The strategic framework areas of intervention for minority-language education and second-language instruction are provided below and further defined in Appendix A:
- LEARNER PARTICIPATION
 - PROVISION OF PROGRAMS
 - ACADEMIC ACHIEVEMENT OF LEARNERS
 - ENRICHED LEARNING ENVIRONMENTS
 - SUPPORT FOR EDUCATIONAL STAFF
 - RESEARCH
- 3.3** As part of the bilateral agreements with the Government of Canada, each provincial and territorial government will develop a multi-year action plan that will be appended to the bilateral agreement. Each provincial and territorial government agrees to consult interested associations and groups as part of the development of its action plan. The provincial and territorial action plan also describes the consultation process established for the implementation of the plan's initiatives.
- 3.4** The multi-year action plan includes a description of the provincial or territorial initiatives that correspond to each area of intervention funded, by education level. It also includes the performance indicators and targets for each area of intervention funded.
- 3.5** The action plan includes a breakdown, for each fiscal year, of the contributions from the Government of Canada and from the provincial and territorial government toward the anticipated expenditures for each area of intervention funded, and the federal contribution for each initiative funded. Where applicable, each initiative funded by the federal contribution presents the share of the funding to be paid to key stakeholders.

4. Budget

- 4.1** Through the bilateral agreements, the Government of Canada will provide funding for the initiatives described in the provincial and territorial action plans referred to in Subclauses 3.4 and 3.5.
- 4.2** Subject to Parliamentary approval of funds, to the maintenance of current and projected budgetary levels for the Development of Official-Language Communities Program and the Enhancement of Official Languages Program, and in compliance with the provisions of the Protocol and the bilateral agreements, the total budget to be made available to the provincial and territorial governments by the Government of Canada under this Protocol will be a maximum of \$235,520,472 annually.
- 4.3** Subject to Parliamentary approval of funds, to the maintenance of the increase of current and projected budgetary levels for the Development of Official-Language Communities Program, and in compliance with the provision of the Protocol and the bilateral agreements, an additional global contribution of \$60,000,000, at a rate of \$15,000,000 annually, will be made available to the provincial and territorial governments by the Government of Canada under this Protocol in order to enhance support for minority-language education in Canada.
- 4.4** Following the signing of this Protocol, the Government of Canada and the provincial and territorial governments agree to set forth principles to guide federal funding for minority-language education and second-language instruction.
- 4.5** In the event that the Government of Canada provides an increase in federal funding for minority-language education and second-language instruction, the Government of Canada will consult the provincial and territorial governments to ensure that the allocation of any additional funds for the purposes of Subclauses 5.1 and 5.3 be made taking into account provincial and territorial needs and priorities, with particular consideration to the funding of action plans. In the interest of transparency, the Government of Canada will advise provincial and territorial governments of the breakdown of additional funds paid.

5. Funding Arrangements

5.1 Funding for action plans

- 5.1.1** Subject to Subclause 4.1 and from within the budget described in Subclause 4.2, the Government of Canada will provide the annual contributions indicated below to each provincial and territorial government, subject to an equivalent or higher annual provincial or territorial contribution, by linguistic objective, for the duration of this Protocol, to carry out the initiatives described in their action plans, in accordance with the provisions of the bilateral agreements.

Provinces and territories	Minority language	Second language	Total
Newfoundland and Labrador	1,301,551	2,639,295	3,940,846
Prince Edward Island	1,545,732	1,076,602	2,622,334
Nova Scotia	3,896,725	3,761,355	7,658,080
New Brunswick	16,659,358	5,043,334	21,702,692
Quebec ²	46,525,473	18,406,662	64,932,135
Ontario	54,992,678	24,090,634	79,083,312
Manitoba	6,774,749	5,540,451	12,315,200
Saskatchewan	2,693,018	4,039,526	6,732,544
Alberta	5,310,966	8,894,859	14,205,825
British Columbia	6,036,572	10,067,846	16,104,418
Yukon	1,235,800	977,100	2,212,900*
Northwest Territories	1,382,850	1,204,705	2,587,555*
Nunavut	772,885	649,746	1,422,631*
Total	149,128,357	86,392,115	235,520,472

* In recognition of the unique status of the territories, the Government of Canada commits to showing flexibility in allocating funding under the territorial action plans.

- 5.1.2** Subject to Subclause 4.1 and from within the budget described in Subclause 4.3, the Government of Canada will provide to each provincial and territorial government an additional annual contribution for minority-language education, subject to an equivalent or higher annual provincial or territorial contribution, to carry out the initiatives described in their action plans, for the duration of the present Protocol and in accordance with the provisions of the bilateral agreements, as shown in Appendix B.
- 5.1.3** The additional contribution described in Subclause 5.1.2 will not result in any adjustment to the funding provided for within the budgets described in Subclause 5.1.1.

5.2 Transfers

- 5.2.1** Provincial and territorial governments may transfer funds between linguistic objectives with the prior agreement of the Government of Canada.
- 5.2.2** Transfers of funds between areas of intervention for the same linguistic objective may be made at the discretion of the provincial and territorial governments, but the Government of Canada must be informed.
- 5.2.3** The amounts presented in Subclause 5.1.2 cannot be transferred between linguistic objectives.

² The annual contribution of the Government of Canada for Quebec will be committed once a bilateral agreement is concluded (see note 1).

5.3 Complementary contributions

- 5.3.1** The Government of Canada may make complementary contributions available to provincial and territorial governments for non-recurring projects, in addition to the amounts presented in Subclause 5.1.1, subject to an equivalent or higher provincial or territorial annual contribution.
- 5.3.2** The provision of complementary contributions as described in Subclause 5.3.1 will not result in any adjustment to the funding provided for within the budgets described in Subclause 5.1.1.
- 5.3.3** In the interest of transparency, the Government of Canada will provide an annual breakdown of the amounts paid and information about complementary contributions made to provincial and territorial governments for the duration of this Protocol.

6. Explore, Destination Clic, and Odyssey programs

- 6.1** The Explore, Destination Clic, and Odyssey programs come under separate contribution agreements between the Corporation of the Council of Ministers of Education, Canada (CCMEC) and the Government of Canada. The CCMEC is responsible for administering these programs in accordance with the terms set out in those contribution agreements.
- 6.2** Subject to Parliamentary approval of funds, the Government of Canada is committed to maintaining or increasing funding for the Explore, Destination Clic and Odyssey programs for the term of this Protocol.
- 6.3** Provincial or territorial governments may allocate funds to these programs from the federal contribution set out in this Protocol under the same linguistic objective (minority-language or second-language).

7. Reports

- 7.1** Provincial and territorial governments provide annual reports as well as periodic reports in accordance with the terms and conditions of the bilateral agreements as well as with provincial and territorial policies and legislation, including those related to the protection of privacy and freedom of information.
- 7.2** Reports submitted by provincial and territorial governments enable the Government of Canada to be accountable to its taxpayers with respect to the use of federal investments.

8. Information to the public

- 8.1** The Government of Canada and the provincial and territorial governments agree that once signed, this Protocol, the bilateral agreements, action plans and reports can be made available to the public by any party.

- 8.2** In its report to Parliament, the Government of Canada will produce an annual financial statement for public information purposes.

9. Public acknowledgement of Canada's contribution

- 9.1** The provincial and territorial governments agree to publicly recognize, in accordance with the terms and conditions set out in their bilateral agreements, the Government of Canada's financial contribution to programs funded by the Government of Canada.

10. Evaluation

- 10.1** Programs of the Government of Canada, including the Development of Official-Language Communities Program and the Enhancement of Official Languages Program, are routinely subject to evaluation by the federal departments concerned. The Government of Canada agrees to consult the provincial and territorial governments on the design of any future evaluation of its programs, and to request their views during any such evaluation process.

11. Duration

- 11.1** The Government of Canada and the provincial and territorial governments agree that this Protocol will cover a four-year period from 2019–20 to 2022–23.
- 11.2** The Government of Canada and the provincial and territorial governments agree that the bilateral agreements between the Government of Canada and each provincial and territorial government, including the provincial and territorial action plans, will cover a four-year period from 2019–20 to 2022–23.
- 11.3** Negotiations between the Government of Canada and provincial and territorial governments for the subsequent Protocol will be initiated no later than March 31, 2022.

12. Agreements

- 12.1** In accordance with this Protocol, each provincial and territorial government is to enter into a bilateral agreement with the Government of Canada.

13. Amendments

- 13.1** The parties may, by mutual written consent, amend this Protocol during its term.

14. Counterparts

- 14.1** This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original and all of which, taken together, will be deemed to constitute one and the same instrument.

IN WITNESS WHEREOF the parties have signed this Protocol,

the _____ day of _____, 2019

GOVERNMENT OF CANADA

The Honourable Mélanie Joly
Minister of La Francophonie

WITNESS

Name in block letters

Signature

The parties have signed this Protocol on the dates indicated below

GOVERNMENT OF ONTARIO

The Honourable Stephen Lecce
Minister of Education

Date

The Honourable Ross Romano
Minister of Training, Colleges and Universities

Date

The parties have signed this Protocol on the dates indicated below

GOVERNMENT OF NOVA SCOTIA

The Honourable Zach Churchill
Minister of Education and Early
Childhood Development

Date

The Honourable Labi Kousoulis
Minister of Labour and Advanced Education

Date

The parties have signed this Protocol on the dates indicated below

GOVERNMENT OF NEW BRUNSWICK

The Honourable Dominic Cardy
Minister of Education and
Early Childhood Development

Date

The Honourable Trevor A. Holder
Minister of Post-Secondary Education,
Training and Labour

Date

The parties have signed this Protocol on the dates indicated below

GOVERNMENT OF MANITOBA

The Honourable Kelvin Goertzen
Minister of Education

Date

The parties have signed this Protocol on the dates indicated below

GOVERNMENT OF BRITISH COLUMBIA

The Honourable Rob Fleming
Minister of Education

Date

The Honourable Melanie Mark
Minister of Advanced Education,
Skills and Training

Date

The parties have signed this Protocol on the dates indicated below

GOVERNMENT OF PRINCE EDWARD ISLAND

The Honourable Brad Trivers
Minister of Education and Lifelong Learning

Date

The parties have signed this Protocol on the dates indicated below

GOVERNMENT OF SASKATCHEWAN

The Honourable Gordon Wyant Q.C.
Minister of Education

Date

The Honourable Tina Beaudry-Mellor
Minister of Advanced Education

Date

The parties have signed this Protocol on the dates indicated below

GOVERNMENT OF ALBERTA

The Honourable Adriana LaGrange
Minister of Education

Date

The Honourable Demetrios Nicolaides
Minister of Advanced Education

Date

For the Government of Alberta

Approved Pursuant to the *Government Organization Act (Alberta)*

Intergovernmental Relations,
Executive Council

Date

The parties have signed this Protocol on the dates indicated below

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR

The Honourable Brian Warr
Minister of Education and Early
Childhood Development

Date

The Honourable Dwight Ball
Minister for Intergovernmental and
Indigenous Affairs

Date

The parties have signed this Protocol on the dates indicated below

GOVERNMENT OF NORTHWEST TERRITORIES

The Honourable Caroline Cochrane
Minister of Education, Culture and
Employment

Date

The parties have signed this Protocol on the dates indicated below

GOVERNMENT OF YUKON

The Honourable Tracy-Anne McPhee
Minister of Education

Date

The parties have signed this Protocol on the dates indicated below

GOVERNMENT OF NUNAVUT

The Honourable David Joanasie
Minister of Education

Date

AREAS OF INTERVENTION

The Government of Canada and the provincial and territorial governments agree to the following definitions of the areas of intervention concerning minority-language education and second-language instruction.

Unless otherwise specified, “education” and “instruction” refer to the levels of compulsory education in a province or territory. Although not compulsory, the postsecondary level is also included in this definition.

The term “preschool” includes those levels that precede compulsory education under the responsibility of the ministries of Education of each provincial and territorial government, but does not create any additional obligations for the provinces and territories with respect to this category of students.

Areas for minority-language education:

For members of the English- or French-speaking minority in each province and territory to be able to be educated in their first language, and to participate in cultural enrichment associated with their community, the areas of intervention for minority-language education are defined as follows:

LEARNER PARTICIPATION

- Recruitment, integration and retention of learners in minority-language education programs and promotion of these programs.

PROVISION OF PROGRAMS

- Access, maintenance, development and/or enrichment of a variety of programs and educational resources adapted to the minority setting.

ACADEMIC ACHIEVEMENT OF LEARNERS

- Demonstration of a positive impact on success of learners in minority settings.

ENRICHED LEARNING ENVIRONMENTS

- Social and cultural enrichment of the education program and closer ties between the school, community and cultural environments.

SUPPORT FOR EDUCATIONAL STAFF

- Development, provision and assessment of staff training (initial and continuous) and professional development programs adapted to the minority setting.
- Recruitment and retention of qualified and specialized staff.

RESEARCH

- Research with an impact on minority-language learning and instruction, and dissemination of knowledge in Canada.

Areas for second-language instruction:

For learners in each province and territory to be able to learn English or French as a second language, and benefit from cultural enrichment, the areas of intervention for second-language instruction are as follows:

LEARNER PARTICIPATION

- Recruitment and retention of learners in second-language instruction programs and promotion of these programs.

PROVISION OF PROGRAMS

- Access, maintenance, development, and/or enrichment of a variety of programs, approaches and pedagogical resources for second-language learning and instruction.

ACADEMIC ACHIEVEMENT OF LEARNERS

- Demonstration of a positive impact on second-language competencies of learners.

ENRICHED LEARNING ENVIRONMENTS

- Cultural enrichment of second-language learning programs.

SUPPORT FOR EDUCATIONAL STAFF

- Development, provision and assessment of training (initial and continuous) and professional development programs for staff working in second-language instruction.
- Recruitment and retention of qualified or specialized staff.

RESEARCH

- Research related to second-language learning and instruction, and dissemination of knowledge in Canada.

**ADDITIONAL ANNUAL CONTRIBUTION FOR MINORITY-LANGUAGE EDUCATION
FOR 2019–20 TO 2022–23**

Provinces and territoires	Contribution for minority-language education
Newfoundland and Labrador	293,792
Prince Edward Island	232,607
Nova Scotia	586,392
New Brunswick	1,253,477
Quebec ³	3,500,652
Ontario	4,137,738
Manitoba	509,743
Saskatchewan	607,881
Alberta	1,598,423
British Columbia	1,362,605
Yukon	371,934
Northwest Territories	312,143
Nunavut	232,613
<u>TOTAL</u>	<u>15,000,000</u>

³ The additional contribution of the Government of Canada for Quebec will be committed once a bilateral agreement is concluded (see note 1).