



Ontario Bilateral Education and Learning Table

A FRAMEWORK FOR FIRST NATIONS IN ONTARIO – INDIGENOUS SERVICES CANADA BILATERAL PARTNERSHIP ON LIFELONG LEARNING

This document outlines recommendations on a preferred flexible structure (framework) to be used for First Nations in Ontario to work collaboratively with Indigenous Services Canada (ISC). This framework provides the overarching structure to build and execute an evergreen strategy that supports all First Nations in Ontario in asserting their sovereignty and jurisdiction over education and learning that meets the needs of First Nation communities, individuals and designated entities. Moreover, this framework forms the basis for the development of, including but not limited to, Strategic Plans, Action Plans, Critical Paths, Logic Models and/or Theories of Change and Budget requirements to undertake activities and implement decisions.

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Context for Action/Background:

‘Our children are our future’ and ‘First Nation control over First Nation education’ are commonly heard phrases in discussions on education among First Nations in Ontario and in the myriad education and learning related activities of the Chiefs of Ontario (COO). The COO Chiefs & Technical Committee on Languages & Learning (CTCLL – formerly known as the First Nations Education Coordination Unit or FNECU) guides the activities of the COO Education Sector. The CTCLL includes representation from Grand Council Treaty #3, Nishnawbe Aski Nation, Anishinabek Nation, Association of Iroquois and Allied Indians, Independent First Nations, Mushgekowuk Council, Mohawks of Akwesasne, Six Nations of the Grand River and other interested unaffiliated First Nation communities.

Over the past decades, many activities of the CTCLL have focused on addressing the chronic underfunding of First Nations education and recovering control over our own lifelong learning education systems. Currently the federal government controls most of the education funding and programming for First Nations education in First Nation communities and the province controls most of the education funding and programming for First Nation students that attend the provincial education system. Historic funding issues include, but are not limited to, inadequate funding for second and third level services and structures, capital, infrastructure and technology, and supporting post-secondary learners and Indigenous institutes.

COO generally provides representation to national committees at the Assembly of First Nations (AFN) to assist with broad-scale education issues with the federal government. COO representatives to the AFN education committees report back to the COO Education Sector and the CTCLL on a regular basis. In November 2020, COO withdrew Ontario’s participation in the AFN Chiefs Committee on Education (AFN CCOE) and the AFN National Indian Education Council (AFN NIEC) due to lack of consideration for the funding needs of First Nations in Ontario and a flawed decision-making process. It was deemed the decision-making process pits First Nation Regions against one another. In December 2020, communication was sent from the Ontario Regional Chief to the Minister of ISC requesting establishment of a bilateral process between First Nations in Ontario and ISC to directly address the unique and diverse needs of the First Nations in Ontario related to education and learning.

In February 2021, COO Resolution 21/07 mandates the CTCLL to **develop recommendations for an education bilateral process with Indigenous Services Canada (ISC) that supports holistic lifelong learning approaches**. The CTCLL determined that the bilateral process would respect First Nation Inherent and Treaty rights to education and ensure that our First Nations receive adequate, predictable and sustained funding reflective of the diverse needs of our learners and communities. To this end a Joint Bilateral Committee consisting of representatives from the CTCLL, ISC Ontario Region and ISC HQ was established to work together on developing recommendations.

The Joint Bilateral Committee set out to develop recommendations on a process for First Nations in Ontario and ISC to jointly develop, review and refine education policy, programs and services to better meet the needs of First Nation learners and communities in Ontario. Early discussions determined the recommended bilateral process would recognize and support First Nations’ Inherent right to self-

determination and jurisdiction of over education and would recognize, respect and incorporate the development and decision-making processes of both the First Nations and ISC. This recommended framework is the result of the collaborative efforts of the Joint Bilateral Committee.

Considerations:

The following list outlines many considerations that will impact and influence a bilateral process between First Nations in Ontario and ISC. The considerations include; opportunities, respective decision-making processes, terminology and connections with other work (current and anticipated).

Opportunities

This collaborative work provides an opportunity for First Nations in Ontario to shape the future of the education and learning environment to meet the current, ongoing and future needs of learners, communities and First Nation designated entities.

This collaborative work provides an opportunity to:

- Establish a shared understanding and improve communication at all levels regarding the strengths and challenges associated with the policies, processes and programs available to support First Nations education and learning;
- Break down operational siloes within First Nations and First Nations designated entities as well as within ISC and address navigational challenges and community engagement fatigue;
- Clarify the roles, responsibilities, processes, and timing considerations associated with reform;
- Identify and address capacity needs for all partners; and
- Better align grassroots and top-down approaches.

Decision-making Processes

COO

The process is iterative and may include a back and forth before moving on to the next step as outlined below. Note final approvals at the CTCLL may take place via consensus if there is a mandate to do so.

1. Input from First Nation communities/organizations is forwarded to the Education Sector/CTCLL
2. The Education Sector/CTCLL assigns work to appropriate Advisory Group¹
3. The Advisory Group develops recommendations to address the assigned issue through various means including, research, analysis and engagement
4. The CTCLL builds consensus on the recommendations from and passes them on to the appropriate Political Entity (Chiefs-in-Assembly or Leadership Council) if required
5. The Political Entity approves recommendations from CTCLL via a Chiefs-in-Assembly Resolution or a Leadership Council Motion – depending on the circumstances

¹ Current Education Advisory Groups under the CTCLL include: Ontario Technical Table-Interim Funding Approach (OTTIFA), Ontario First Nation Special Education Working Group (OFNSEWG), Post-Secondary Engagement Committee (PSE Committee), First Nations Lifelong Learning Table (FNLLT), Leadership Committee on Languages (LCOL).

6. The Education Sector/CTCLL ensures implementation and communication according to political direction

The timeline associated with decision-making at COO:

First Nations in Ontario > Advisory Groups (mainly monthly) > CTCLL/Education Portfolio (monthly) > Leadership Council (monthly) > Chiefs-in-Assembly (June, November, as needed)

ISC

Director General considers what the working teams (Directorates HQ and region) put forward and approves accordingly before proposals move to the Assistant Deputy Minister, the Deputy Minister, and then the Minister before anything goes to central agencies².

Directorates > Director General > Assistant Deputy Minister > Minister

New authorities, new programming and new levels of funding require either Cabinet approval or Department of Finance, and Treasury Board approval. Any initiative that requires this level of change first requires Ministerial approval.

Acronyms & Terminology

Designated entities – any entity designated by one or more First Nation communities to undertake education and learning related activities on behalf of the First Nation community, including but not limited to, post-secondary institutions, boards of education, Tribal Councils, provincial territorial organizations, and local education authorities.

EPP – Education Partnerships Program. The EPP is a federal proposal-based program that has been in place for many years. According to ISC the EPP is designed to advance First Nations student achievement in First Nations and provincial and territorial schools. The EPP has 3 distinct components: Partnerships; Structural Readiness; and Regional Education Agreements. For more information see ISC website at <https://www.sac-isc.gc.ca/eng/1100100033760/1543408975080>.

First Nations control (of lifelong learning) – takes the view that education is a means to achieving self-determination and redressing the negative impacts of colonial practices. It is understood that First Nations control over education will provide the means to acquire the necessary skills to be self-empowered and self-sufficient and to maintain First Nations cultural values and languages.

CTCLL – Chiefs and Technical Committee on Languages and Learning. The CTCLL facilitates the discussion, planning, implementation and evaluation of all local, regional, provincial, federal and national matters affecting lifelong learning for the First Nations in Ontario. The CTCLL enables the First Nations in Ontario to collectively discuss and decide on regional, provincial, federal and national priorities affecting lifelong learning to provide a unified voice on these matters.

² There are three central agencies in the Government of Canada: the Privy Council Office (PCO), the Treasury Board of Canada Secretariat (TBS), and the Department of Finance Canada (FIN). These central agencies contribute to the successful formulation and implementation of government policies and programs.

Infrastructure – Infrastructure as a Priority Team designation includes the evaluation of the Enhanced Education Infrastructure Fund, which is part of the Capital Facilities and Maintenance Program. Through this program the Government of Canada provides funding to First Nations to build new schools, renovate and expand existing facilities, and operate and maintain existing education infrastructure.

Lifelong learning - Lifelong learning is a holistic concept that respects education and learning equally for the full life journey of individuals. The concept embraces education and learning rooted in our language and culture that provides opportunities and supports based on individual need for development, learning and success.

OBELT – is the acronym for the Ontario Bilateral Education and Learning Table, which is the draft title developed for this bilateral process between First Nations in Ontario and Indigenous Services Canada.

OTTIFA – is the acronym for the Ontario Technical Table on the Interim Funding Approach. This bilateral table (with ISC) was established in 2017 to provide a forum for First Nation technicians in Ontario and Indigenous Service Canada’s technicians to continue discussions on the development, implementation and ongoing evaluation of the Interim Funding Approach for First Nations in Ontario. It is proposed that this bilateral table will be incorporated under the larger bilateral structure (OBELT) as the K-12 Priority Team – see pages 8 & 9 of this document.

Connections

Lifelong learning related activity is connected to many other First Nations, federal/provincial governmental and non-governmental entities, political and technical tables. This includes, but is not limited to, other sectors, departments, ministries, agencies, organizations, institutions, etc. It is understood that this bilateral process between First Nations in Ontario and ISC will incorporate other connected entities as required to best support education and learning for First Nations communities, learners and designated entities.

COO undertakes inter-sectoral work on a regular basis to capitalize on synergy and avoid duplication of efforts. This proposed bilateral partnership will benefit from this practice.

COO currently has a bilateral Advisory Table with ISC on the Interim Funding Approach for K-12 education. The Ontario Technical Table on the Interim Funding Approach (OTTIFA) will be included as a priority area in this overarching bilateral framework. The experience and success of the OTTIFA provides a solid basis to build upon moving forward.

COO and ISC have also established interim bilateral tables on the Education Partnerships Program and Post-Secondary Education. These interim bilateral tables will be incorporated as priority areas within this bilateral framework.

Principles:

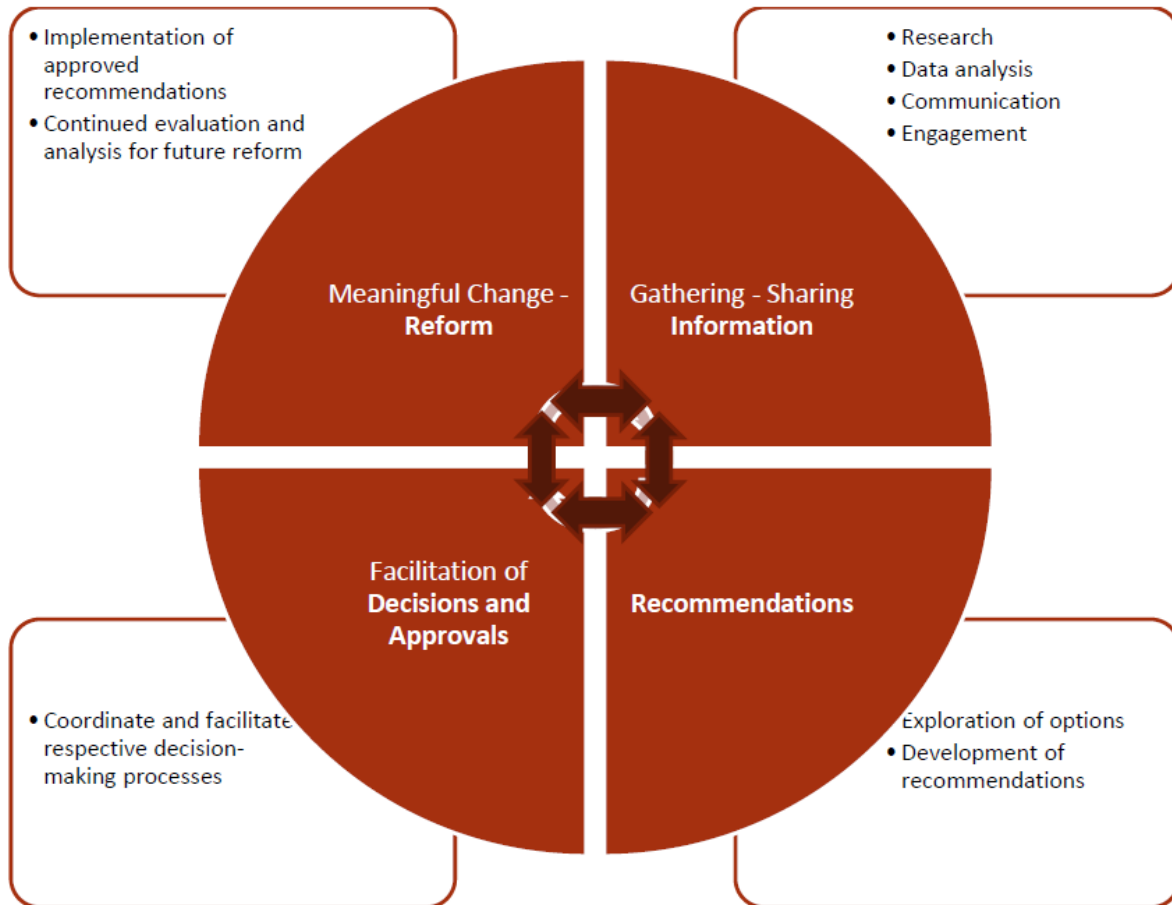
The parties will work in a collaborative manner that is consistent with the following principles:

1. First Nations have an Inherent and Treaty right to education and each First Nation has authority and autonomy with respect to lifelong learning.

2. Recognize First Nation's vision of holistic, lifelong learning that ensures all learners have access to quality programs within a linguistically and culturally appropriate learning environment.
3. Acknowledge and honour the autonomy of each First Nation to determine their own education systems, funding mechanisms and processes.
4. Recognize and respect the strength and the diversity of First Nation peoples, communities, languages, cultures, traditions and spiritual practices.
5. Acknowledge that transparency is paramount and all activities and outcomes must be made available to First Nation communities.
6. Recognize and respect the importance of establishing, maintaining and making accessible accountability protocols.
7. Affirm the partners' commitment to producing real outcomes and meaningful change that are relevant and support First Nation communities in asserting their sovereignty and jurisdiction over education and learning.
8. Affirm partners commitment to work collaboratively towards innovative and creative solutions for First Nation communities to assert their sovereignty and jurisdiction over education and learning.
9. Acknowledge Canada's commitment to respect First Nations Control of First Nations Education.
10. Affirm Canada's obligation to section 35 of the Constitution Act, 1982, which recognizes and affirms existing Aboriginal and Treaty rights.
11. Affirm Canada's commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples and the UN Convention on the Rights of the Child, which promote and protect the inherent rights of First Nations learners.
12. Recognize the calls to action related to lifelong learning from the Truth and Reconciliation Commission.

Purpose/Objectives/Pillars:

The main purpose of the bilateral partnership is to ensure First Nations are able to shape the future of education through a collaborative process of adapting, reforming and developing educational processes, policies and programming that supports all First Nations in Ontario in asserting their sovereignty and jurisdiction over education and learning that meets the needs of First Nation communities, individuals and designated entities. This framework provides a flexible structure to jointly carry out work under four pillars: 1) Gathering and Sharing Information; 2) Drafting Recommendations; 3) Facilitation of Decisions and Approvals; and 4) Meaningful Change - Reform.



Scope:

The scope of the collaborative work will include:

Review and analysis (includes planning, research, communication, engagement, project management, reporting, etc.) of the full suite of education and learning programming currently offered by ISC. This includes, but is not limited to:

1. Assessing what is working well that can continue and be built upon;
2. What is not working well and requires:
 - a. Improvements – adaptations and modifications;
 - b. Future elimination and exploration of new options;
3. Determining what is missing from the current suite of education and learning programming that needs to be developed and put into place;
4. Determine changes required for First Nations to incorporate meaningful change (reform):
 - a. Supports required;
 - b. Capacity development;
 - c. Funding requirements;
5. Determine changes required for ISC to facilitate and accommodate meaningful change (reform):
 - a. Accountability mechanisms and protocols;

- b. Changes to federal authorities;
- c. Changes to funding mechanisms and methodologies;
- d. Changes to funding levels;
- e. Legislative change.

Proposed Structure and Responsibilities:

Ontario Bilateral Education & Learning Table (OBELT) Core Table will:

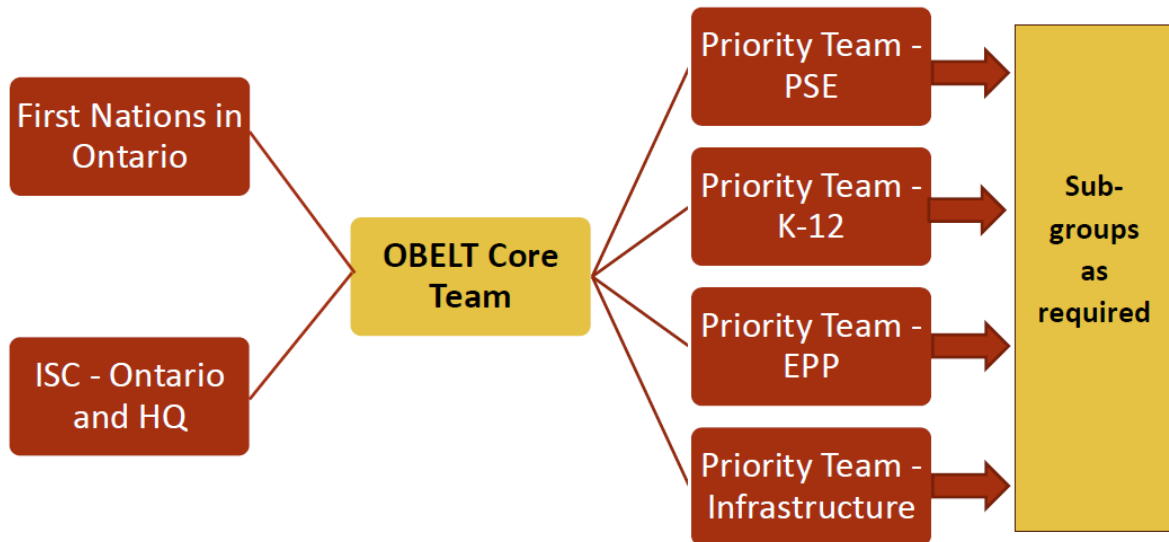
- Include representation from the CTCLL, ISC Ontario region Director Education & Social Development Programs & Partnerships - ESDPP (or designate), ISC-HQ Associate Deputy Minister - ADM or Director General - DG Education & Social Development Programs & Partnerships ESDPP (or designate) and members of other federal departments as required
 - The CTCLL representatives at the Core Table obtain direction and guidance from the CTCLL, Leadership Council and Chiefs in Assembly and bring forward to OBELT Core Team
- Develop a Terms of Reference for ongoing work that is approved through the appropriate decision-making processes of each party
- Develop a 5 Year Strategic Plan based on evaluation of the current suite of ISC programming and gaps identified by First Nation communities, individuals and designated entities
- Meet quarterly (at a minimum) to review, discuss, approve and provide feedback as necessary on Work Plans, Action Plans, Operational Terms, Critical Paths, Priority Team reports, Recommendations, (prior to moving into respective processes)
- Conduct an annual evaluation of the Bilateral Process and report directly to First Nation communities
 - COO Director of Education and/or COO Education Portfolio reports annually to Chiefs-in-Assembly
- Develop, approve and disseminate communication
- Incorporate emerging issues into Strategic Plan

OBELT Priority Teams:

- Begin with:
 - Post-Secondary
 - K-12 (OTTIFA)
 - Education Partnerships Program (EPP)
 - Infrastructure
- Led by co-leads (CTCLL designated Lead/ISC Lead)
- Guided by Operational Terms under the OBELT Terms of Reference
- Coordinators are put in place to coordinate the activities of Priority Teams
 - Prepare meeting notes, reports, documents, etc.
 - Coordinate meetings and community engagement
 - Process compensation for participants
- Are established as designated in the Strategic Plan developed by the OBELT Core Team
- Duties and responsibilities include:
 - Follow Operational Terms

- Develop work plans and critical path
- Provide a quarterly report to the Core Table
- Conduct engagement as required
- Develop communications
- Commission research and recruit experts
- Establish and monitor sub-committees or working groups as required

Diagram of proposed structure:



Funding Requirements:

The funding requirement to establish and maintain the Ontario Bilateral Education & Learning Table will be determined upon finalization of recommendations. However, it is understood that each of the primary entities included in the CTCLL (Chiefs of Ontario, Grand Council Treaty #3, Nishnawbe Aski Nation, Anishinabek Nation, Association of Iroquois and Allied Indians, Independent First Nations, Mushgekowuk Council, Mohawks of Akwesasne, Six Nations of the Grand River and unaffiliated First Nation communities) will require financial support to undertake this work.

Proposed Next Steps:

1. Federal Commitment:
 - Secure federal commitment and funding to support the Bilateral Process
2. Research:
 - Will be undertaken to inform the development of a strategic plan
 - Will include an environmental scan that incorporates the previous and current work of the OTTIFA (including Interim Bilateral Task Teams on EPP and PSE)
3. Engagement:
 - Conduct community engagement to determine strengths, weaknesses and gaps of the current suite of programming
4. Core Table is established and will:

- Develop Terms of Reference for Bilateral Process to be approved by the Leadership Council once vetted through the CTCLL
- Develop 5 Year Strategic Plan to be approved by the Leadership Council once vetted through the CTCLL