Protocol for Agreements

for Minority-Language Education and Second-Language Instruction

2024-2025 to 2027-2028

between the Government of Canada and the Provinces and Territories

cmec

Council of Ministers of Education, Canada

Conseil des ministres de l'Éducation (Canada)

Canadian Heritage

Patrimoine canadien

Canada

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Background

English and French are the official languages of Canada, as recognized by the Canadian Constitution, as well as by the modernized *Official Languages Act*,[1] which seeks to achieve substantive equality between the official languages of Canada (2023). The Government of Canada recognizes its responsibilities and undertakings with respect to those languages in terms of advancing the equality of status and use of English and French in Canadian society.

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 towards these additional costs.

In accordance with the modernized *Official Languages Act*, the Government of Canada can undertake such measures as to encourage and assist provincial and territorial governments to: (1) offer members of official language minority communities a quality education in their own language throughout their lives (i.e., the "education continuum") so as to support this sector, which is essential to enhancing the vitality of English and French linguistic minority communities; and (2) support the provision of programs for learning English or 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 such 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 education.[2]

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

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[1] On June 20, 2023, Bill C-13, An Act to amend the Official Languages Act (OLA), to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts, received Royal Assent.

[2] 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.

government and the Government of Canada specifies, as appropriate, which language, English or French, is the minority language and which is the second language.

Therefore, it is hereby agreed between the Minister of Official Languages, 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. 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 financial commitments to their respective taxpayers.
- Reporting measures for this Protocol are guided by principles of transparency, consistency, accuracy, timeliness and clarity.

1.3 Consultation and collaboration

- The Government of Canada and the provincial and territorial governments agree that stakeholder consultation is a guiding principle of this Protocol and a means of demonstrating transparency in the use of the funds made available to governments. Provincial and territorial governments determine their respective consultation processes.

- The Government of Canada and the provincial and territorial governments recognize the importance of collaboration with stakeholders who play a key role in minority-language education and second-language instruction.

- Collaboration between provincial and territorial governments and their partners in education, including representatives of minority school boards and school boards offering second-language programs, allows for the successful implementation of the programs and initiatives undertaken through the bilateral agreements under 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 Advancement of the equality of English and French

- The Government of Canada recognizes the importance of encouraging and assisting provincial and territorial governments to advance the equality of status and use of English and French in Canadian society including by providing children of rights-holders under Section 23 of the *Charter* with programs that aim to achieve results equivalent to those of the majority.

1.5 Reconciliation with Indigenous peoples

- This Protocol and the bilateral agreements derived from it are intended to support English and French, without prejudice to Indigenous languages. The Government of Canada and the provincial and territorial governments may take other measures for the reclamation, revitalization, strengthening, and protection of Indigenous languages, as well as intercultural understanding and mutual respect, with Canada's Indigenous peoples.

1.6 Education continuum

- The Government of Canada and the provincial and territorial governments recognize the importance of supporting the education continuum in the interest of employability and enhancing 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 programs that aim to achieve results equal to those of the majority and to experience cultural enrichment associated with their community.

2.2 To help provide English- or French-language majority learners in each province and territory with the opportunity to learn English or French as a second language and, in so doing, benefit from cultural enrichment.

3. Education continuum support framework

3.1 The Government of Canada and the provincial and territorial governments agree to a framework that identifies, for each linguistic objective (minority language and second language), the education levels and educational staff on which the

Government of Canada's support for the provincial and territorial action plans is founded.[3]

3.2 The education levels and educational staff for each linguistic objective are shown below:

- PRESCHOOL
- PRIMARY AND SECONDARY
- POST-SECONDARY
- EDUCATIONAL STAFF

Research projects can be categorized according to one of the above-mentioned levels, including the "educational staff" category.

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 (Plan) that will be appended to its bilateral agreement. The Plan sets out how the federal investments will be used, pursuant to the objectives in Subclauses 2.1 and 2.2.

3.4 Each provincial and territorial government will develop a process for consulting stakeholders, including education stakeholders. The Plan will also describe the consultation process to be established for the implementation of the Plan's initiatives.

3.5 The Plan presents the following information by linguistic objective (minority-language education and second-language instruction) and by fiscal year: the initiatives, a breakdown of the Government of Canada contributions (including an identification of the initiatives funded by the additional Government of Canada contributions), and the provincial or territorial government contributions towards the anticipated expenditures for educational staff and for the education levels. Where applicable, each initiative funded in whole or in part by the Government of Canada contribution shows the share of that funding to be paid to key stakeholders.

3.6 The Plan includes at least one target and one performance indicator for educational staff and for each education level. This information allows for the measurement of learners' educational success at the primary and secondary levels for students enrolled in the minority school system. The Plan also enables the measurement of the share of primary and secondary students in the majority school system enrolled

[3] Unless otherwise specified, "education" and "instruction" refer to the levels of compulsory education in the provinces and territories. Although not compulsory, the preschool and postsecondary levels are also included. The term "preschool" includes those levels that precede compulsory education under the responsibility of the ministries/departments responsible for Education of provincial and territorial governments, but does not create any additional obligations for the provinces and territories.

in English or French second-language programs, as well as learners' educational success in such programs, where such data are available.

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 3.5 and 3.6.

4.2 Subject to approval of the funds by the Parliament of Canada, 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 budget to be made available to the provincial and territorial governments by the Government of Canada under this Protocol will be determined as follows:

4.2.1 **Base funding**

An annual contribution of $235,520,472 in base funding for minority-language education and second-language instruction to support the entire education continuum, from preschool to post-secondary. This contribution is allocated among the provinces and territories according to the following historical breakdown. Subject to Subclauses 4.1 and 4.2, the base funds will be automatically renewed for one year following the expiry of this Protocol.

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[4]	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.

4.2.2 **Additional contributions**

Additional contributions over four years for fiscal years 2024–2025 to 2027–2028 will be allocated and made available to the provincial and territorial governments by the Government of Canada under this Protocol according to the multiyear distribution hereunder. The formulas for allocating funding among the provincial and territorial governments took into consideration the exceptional circumstances related to the COVID-19 pandemic and the one-time funding for the post-secondary sector.

4.2.2.1 Minority-language education

A contribution of $110,691,540 ($27,597,886 in 2024–2025 and $27,697,885 from 2025–2026 to 2027–2028) to increase support for minority-language education — according to an allocation formula that takes into account the historical breakdown of funding for minority-language education, the rate of change of student enrolment from 2016 to an average of enrollment for the 2019-2020, 2020-2021, and 2021-2022 reference years, and the potential for growth in student enrolment.

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

4.2.2.2 French second-language learning

A contribution of $232,800,000 ($58,200,000 per year from 2024–2025 to 2027–2028) to support French second-language learning in Canada — according to an allocation formula that considers the historical breakdown of second-language funding and student enrolment based on the average of the 2019-2020, 2020-2021, and 2021-2022 reference years.

4.2.2.3 Post-secondary education in the minority language

A contribution of $104,000,000 ($26,000,000 per year from 2024–2025 to 2027–2028) to increase support for Canada's minority-language post-secondary sector — according to an allocation formula that considers the average percentage of the base funding allocated to post-secondary education in 2021-2022 and 2022-2023, the programs of study offered based on the 2021–2022 reference year, and the temporary funds approved during the 2021-2022 call for projects.

4.2.2.4 Teacher recruitment and retention

A contribution of $50,970,000 ($12,742,500 per year from 2024–2025 to 2027–2028) to increase support for the recruitment and retention of teachers in French-language schools and French second-language programs — according to the allocation formulas in Subclauses 4.2.2.1 and 4.2.2.2.

Provinces and Territories	Minority Language	Second Language	Post-secondary Minority Language	Teacher Recruitment and Retention		Total
				Minority Language	Second Language	
NL	1,126,358	6,617,841	578,812	259,327	724,466	9,306,805
PEI	1,943,620	2,497,116	874,829	447,488	273,363	6,036,416
NS	4,142,732	9,920,936	1,856,004	953,800	1,086,061	17,959,533
NB	9,578,003	11,168,927	22,565,645	2,205,184	1,222,681	46,740,440
QC	26,804,463	12,595,441	20,836,663	6,171,304	1,378,844	67,786,716
ON	42,402,567	104,693,831	38,609,506	9,762,532	11,461,006	206,929,442
MB	3,077,213	13,934,913	4,032,125	708,480	1,525,478	23,278,209
SK	2,729,186	9,353,899	2,438,611	628,353	1,023,987	16,174,035
AB	6,605,710	25,660,635	5,857,242	1,520,863	2,809,112	42,453,562
BC	7,480,150	31,449,251	5,171,140	1,722,190	3,442,801	49,265,532
YT	1,851,751	1,729,952	451,706	426,337	189,381	4,649,126
NT	1,732,151	2,118,475	591,715	398,801	231,913	5,073,055
NU	1,217,636	1,058,784	136,000	280,342	115,907	2,808,669
Total	**110,691,540**	**232,800,000**	**104,000,000**	**25,485,000**	**25,485,000**	**498,461,540**

4.3 In the event that the Government of Canada provides an increase in federal funding for minority-language education or second-language instruction, the Government of Canada will consult the provincial and territorial governments to ensure that the allocation of any additional funds is 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 the additional funds paid.

5. Funding arrangements

5.1 Funding for action plans

5.1.1 Subject to Subclauses 4.1 and 4.2, and from within the budget in Subclause 4.2.1, the Government of Canada will provide the annual contributions (base funding) 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.

5.1.2 Subject to Subclause 4.1 and from within the budget described in Subclause 4.2, the Government of Canada will provide to each provincial and territorial government an additional annual financial contribution for minority-language education, French second-language instruction, post-secondary education in the minority language, and teacher recruitment and retention in French-language schools and French second-language programs, subject to an equivalent or higher annual provincial or territorial financial contribution in additional funds 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.

5.1.3 In using the additional funds for post-secondary education in Subclause 4.2.2.3, the provincial and territorial governments aim to make an equitable contribution to the minority-language post-secondary system in their respective jurisdictions and to support the development of a responsive, diversified program offering.

5.1.4 The additional contributions described in Subclause 4.2.2 will not result in any adjustment to the base funding provided for within the budgets described in Subclause 4.2.1.

5.2 Transfers

5.2.1 Provincial and territorial governments may transfer the funds referred to in Subclause 4.2.1 between linguistic objectives, within a given fiscal year, with the prior agreement of the Government of Canada.

5.2.2 Transfers of funds between education levels 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; with the exception of the additional funds for post-secondary and educational staff, which may not be transferred.

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 Subclauses 4.2.1 and 4.2.2, 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 4.2.1.

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 are currently administered by the provinces and territories through the Corporation of the Council of Ministers of Education, Canada (CCMEC) and come under separate contribution agreements.

6.2 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 Each provincial and territorial government agrees to produce the following reports in accordance with the provisions of the Education Continuum Support Framework and the Multi-Year Action Plan (Plan) (clauses 3 and 4) of this Protocol, as specified in the bilateral agreements. Reports must be in accordance with provincial and territorial policies and legislation, including those related to privacy and access to information.

7.1.1 The annual reports will include a financial statement showing the contributions to and the actual expenditures on Plan initiatives and identifying initiatives funded at 50% or higher by the additional federal

contributions as well as the share of the federal contribution paid to the key stakeholders. The provinces and territories agree to provide a summary of the status of the initiatives, including, if necessary, an update showing any significant changes to the planned schedule or budget.

7.1.2 The mid-term report—produced after the second year (2025–2026)—and the final report on results—produced after the fourth year (2027–2028)—will present the progress made and the results achieved in relation to the indicators and targets in the provincial or territorial government's Plan. These reports will also include a summary of activities carried out to implement the initiatives and a summary of discussions on the implementation of the Plan with the key stakeholders. The final report on results will be submitted to the Government of Canada within 6 months of the end of the fiscal year in question.

7.2 Reports submitted by the provincial and territorial governments enable the Government of Canada to be accountable to its taxpayers with respect to the ongoing use of federal investments and their impact on the vitality of Canada's English and French linguistic minority communities and fostering the use of English and French.

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 2024–2025 to 2027–2028.

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 2024–2025 to 2027–2028.

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, 2027.

11.4 With the exception of the additional contributions specifically described in Subclause 4.2.2 of the Protocol, the terms and conditions of the Protocol will be automatically renewed pending the ratification of a subsequent Protocol, unless a request to terminate is submitted by the Government of Canada or the provincial and territorial governments. A request for termination from one province or territory will not affect the continuation of the terms and conditions for other provinces or territories.

12. Agreements

12.1 Each provincial and territorial government is to enter into a bilateral agreement with the Government of Canada under this Protocol.

13. Amendments

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

14. Signatures

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 _____ , 2024

GOVERNMENT OF CANADA

_____
The Honourable Randy Boissonnault

WITNESS

_____
Name in block letters

_____
Signature