

ONTARIO TECHNICAL TABLE INTERIM FUNDING APPROACH

Terms of Reference

Context for Action:

The 2018 federal Memorandum to Cabinet on education funding proposes to create funding equity through the allocation of existing education funding. For First Nations in Ontario this means implementing an Interim Funding Approach (beginning in 2019/20) that uses the provincial funding model as a base for allocating funding in a more objective, transparent and formulaic approach to funding First Nation education.

The Interim Funding Approach includes:

- An interim funding formula that uses the provincial education funding model as a base to determine allocations, plus adaptations to address the specific needs of First Nations schools and students. This includes funding for second level services
- Targeted investments for language and culture programming and full-time kindergarten (K4/K5) programming.
- Targeted multi-year funding for First Nations and First Nation education organizations that support First Nation students, schools and communities.

Considerations:

The internal decision-making processes of the First Nations and Canada will be respected and adhered to for all activities undertaken through this Terms of Reference.

First Nations and Indigenous Services Canada (ISC) will share their relative analyses, methodologies and data in a timely manner to inform the implementation of the Interim Funding Approach and ongoing evaluation.

Relevant activity/information of the AFN/ISC National Joint Task Teams on education will support the activity of this table and vice versa.

Purpose:

The purpose of the Ontario Technical Table - Interim Funding Approach (OTTIFA) is 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.

To ensure the interim allocation formula, including the adaptations, additions, proxies and data used, is jointly determined and accurately reflects the specific needs of First Nation students, schools and communities.

To provide engagement and communication to ensure First Nations and First Nation organizations are apprised of any changes in funding methodology and are able to provide input on the process.

Scope:

First Nation education technicians will work with ISC to agree upon:

- The adaptations, proxies and data used in the application of the Grants for Students Needs (GSN – Ontario provincial funding formula).
- A second level service map and funding allocations for First Nation designated organizations.
- Identify and include additional investments that are either missing or not adequately addressed in the provincial funding formula.
- Funding equity for First Nations consistent with the principle of funding protection. Changes to the Comparability Model where provincial formula components require modifications to reflect the specific needs and circumstances of First Nation students, schools and communities.
- Funding levels for First Nation communities to provide support for students attending provincial schools.
- Jointly developed communication and information/engagement tools.
- Changes to the Interim Funding Approach.

OTTIFA Composition¹:

- Education Directors of the four Provincial Territorial Organizations (PTO)
- A representative from the Independent First Nations
- A representative from the Chiefs of Ontario
- 2 representatives from ISC Headquarters
- 2 representatives from ISC Ontario Region

Note: subject matter experts will participate and sub-committees will be struck as determined by the Table.

Role:

First Nations and ISC will appoint co-chairs.

The members of the OTTIFA will establish a meeting schedule to address the long-term and short-term scope of the Table as noted above.

First Nation designated representatives will ensure any political decisions are determined via established decision-making processes.

ISC representatives will ensure any political decisions are determined via established decision-making processes.

¹ See Appendix A for composition as of June 2018.

Communications regarding the Interim Funding Approach for First Nations in Ontario will be co-developed and/or co-reviewed by the Table.

Meetings/Time Commitment:

Co-chairs will develop agendas for meetings and calls and an information review schedule jointly with other members of the OTTIFA. Meeting notes will be jointly prepared and distributed in a timely fashion.

- 2 meetings per month between April 1, 2018 and November 30, 2018.
 - One meeting per month in person.
 - One meeting per month via video/teleconference.
- December 1, 2018 and beyond - quarterly ongoing meetings to review and discuss ongoing modifications required to the IFA.

All meeting expenses and travel costs for First Nation participants will be covered via a Transfer Payment Agreement between the Chiefs of Ontario (COO) and ISC according to COO Policy.

Amendments:

The parties may amend this Terms of Reference by mutual consent at any time. There will be an annual review of the Terms of Reference.

Non-Derogation:

Nothing in the Terms of Reference will be construed so as to abrogate or derogate from the Treaty and Aboriginal rights of First Nation communities in Ontario, which are recognized and affirmed by section 35 of the *Constitution Act*, 1982, or so as to abrogate or derogate from any First Nation rights.

Without Prejudice:

The OTTIFA and its activities are without prejudice to existing and future initiatives between First Nations and Ontario or its agencies, or any other third party interest.

Confidentiality:

The OTTIFA acknowledges that in discussions, participants may come into possession of confidential information, and the participants may discuss mutually confidential material. OTTIFA participants agree that they will only use such confidential information for the purposes of furthering discussions at the Table.

In the event that a member receives a request or order to disclose any confidential information shared in the discussion process, that member will commit to notify the Table on a timely basis.

Dispute Resolution:

The OTTIFA will use best efforts to prevent or minimize disputes. Where best efforts to prevent a dispute are not successful, the parties to the dispute agree to:

1. Identify and resolve the dispute as quickly and as cost-effectively as practicable; and,
2. Participate in good faith in the dispute resolution process set out below:
 - a. Initial written notice of the matter in dispute;
 - b. Collaborative discussions;
 - c. Mediation; and,
 - d. Arbitration.
3. Where a dispute is resolved the resolution will be delivered to all parties of the dispute in writing.

Appendix A

OTTIFA Composition – May 2018

Organization	OTTIFA Designate	Alternate OTTIFA Designate
AIAI	Gina McGahey	Kyla Stonefish
IFN	Diane Maracle-Nadjiwon	Jessica Keeshig-Martin
UOI	Murray Waboose	Paige Sillaby
GCT#3	Yolanda Fobister	TBD
NAN	Dobi-Dawn Frenette	TBD
COO	Julia Candlish	Murray Maracle/Angel Maracle
ISC HQ	Aidan Burgess	Adrian Walraven
ISC HQ	Adrien Landry	Adrian Walraven
ISC Ontario	Jonathan Allen	Chantale Pharand
ISC Ontario	Neil Rea	Chantale Pharand