



2024 First Nations Leadership Forum on Early Learning and Child Care BACKGROUND

Introduction and Purpose

Since 1995, the BC Aboriginal Child Care Society (“BCACCS”) has been leading various pieces of work focused on supporting and ensuring quality First Nations early learning and child care (ELCC) programs and services in BC, while also exploring avenues for BC First Nations to resume jurisdiction over ELCC.

The purpose of this document is to provide a high-level summary of the foundations of this work, namely, how ELCC is unique and distinct from education, health, and child and family services, and to have a conversation with First Nations’ leadership about what would allow for a thriving First Nations ELCC system, including opportunities for implementing First Nation’s jurisdiction over ELCC.

How ELCC is Unique and Distinct

ELCC is a distinct area, supported by decades of research, policy, and professional practice. Western/colonial models propose hard numbers to indicate the period of ‘early childhood’ or ‘early years’ as the time from birth to 8 years old, while Canadian public policy has often framed related work in other ways:

- Early Childhood (0-5 and/or 0-8)
 - Infancy (0-18 months)
 - Toddlerhood (18-36 months)
 - Preschool (3-5 years)
- Middle Childhood (6-12)

Research, supported by advances in technology, established that the time before age eight includes many sensitive periods in brain development related to vision, hearing, numeracy, language, social skills, emotional control, and habitual ways of responding¹. These understandings have been advanced within the field of epidemiology and the articulation of the social determinants of health (Marmot, 1998), demonstrating the profound impact of early environments and experiences on long term outcomes.

The case for investing in quality ELCC can be understood as a rights-based argument (children have a right to care and be cared for) or an economic argument (economies are strengthened in the short-term through parental ability to engage in education and employment, and in the long-term through improved health, education, and employment outcomes for the children themselves).

Indigenous Early Learning and Child Care is even more unique and specialized as it embodies ‘two-eyed seeing,’ bridging traditional worldviews, teachings, traditions, and Indigenous laws in conversation with the science and research of child development. Traditionally, it is understood that the time right before birth, and the time after birth, is a spiritually significant and crucial time in the development of identity:

On the medicine wheel, infants sit beside the Elders. Like Elders, they may be considered teachers. Elders and infants are both close to the Spirit World; the infants arriving from it, and the Elders travelling to it. (Reading, 2009)

¹ <https://www.youtube.com/watch?v=M89VFIk4D-s>

Indigenous ELCC embodies a unique set of ‘indicators of quality,’ with culture, language, ceremony, and community at the heart of this work. A 2003 study, *Whispered Gently through Time: First Nations Quality Child Care*² shares the following:

Study participants view the child care centre as an integral part of the community where the whole community can work together for the good of the children and everyone, including children, Elders, parents, caregivers, and community members can learn. (Greenwood & Shawana, 2003, p.57).

This wholistic approach is both a core element of quality, impacting a critical and sacred stage in the life course, and it is what fundamentally differentiates Indigenous ELCC from other community-based services and supports.

Customs and traditions that manifest the unique beliefs and values of Aboriginal peoples are passed on from generation to generation - through child-rearing practices. Children are the heart of the family and community. Child rearing is a sacred and valued responsibility. (Greenwood & Shawana, 2003, p.51)

Indigenous ELCC can be embedded in community-based child and family services and/or health services as prevention, family support, and early intervention; it can also be embedded in education as early learning supports to address long term learning outcomes. While ELCC plays important roles within each of these sectors, we risk losing the unique value-add of this work and its full impact. Recognizing and upholding ELCC’s wholistic approach, viewing young children within the context of family, community, and Nation, is critical in upholding our ways of understanding the sacredness of this early stage of life.

Current Landscape for Indigenous ELCC in BC

The First Nations Early Learning and Child Care Framework (2019) sets out a vision for:

...a system of diverse, high-quality programs and services that lays the foundation for the health and well-being of First Nations children, provides choices for families, and revitalizes and supports the cultural continuity of First Nations communities and nations. This vision is achieved through a First Nations-led ELCC system of programs and services that are designed and governed by First Nations; rooted in First Nations knowledge, language, and culture; guided by Indigenous practices in childhood development; and strengthened by partnerships with governments, service delivery organizations and community members.

To transform the systems and structures, and to achieve the vision set forth, it is important to understand the current landscape of governance, policy frameworks, and funding.

Overarching Governance, Policy Frameworks & Funding Agreements

ELCC programs and services, for First Nations, were primarily created and implemented in the 1990s, with minimal consultation or involvement by First Nations leaders. While there are examples of outstanding work in communities, the lack of direct involvement in the design, implementation, and ongoing

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https://www.researchgate.net/publication/265039924_Whispered_Gently_through_Time_First_Nations_Quality_Child_Care

accountabilities, has meant that First Nations leaders have inherited a patchwork of colonial policies, program models, and funding processes, as briefly outlined below.

Policy Frameworks & Funding Agreements

Federal

- Multilateral ELCC Framework (2017)³ – developed by Federal, Provincial, and Territorial Ministers most responsible for ELCC and “...sets the foundation for governments to work toward a shared long-term vision where all children can experience the enriching environment of quality early learning and child care that supports children’s development and to reach their full potential”.
 - Related Funding Agreements⁴
 - Canada-BC Bilateral ELCC Agreement (2021-2025)
 - Canada-BC Canada-Wide ELCC Agreement (2021-2026)
- Indigenous ELCC Framework (2018)⁵ – developed as a part of the broader Indigenous Early Learning and Child Care Transformation Initiative (“IELCC Transformation Initiative”), the framework “...sets the stage for Indigenous governance of improved and new systems of ELCC policy, programs and supports for Indigenous children and families, now and in the future”; the overarching document includes three distinctions-based frameworks, including the First Nations ELCC Framework, co-developed by the Assembly of First Nations and the Government of Canada.
 - IELCC funding comes through agreement with BC Aboriginal Child Care Society, as mandated by BCAFN, UBCIC, and FNS. This annual funding is based on AFN funding formula.

Governance & Legislation

Federal

- Canada Early Learning & Child Care Act

Provincial

- Early Learning & Child Care Act
- Early Childhood Educators (ECE) Act
- Community Care and Assisted Living Act
 - Child Care Licensing Regulation

Provincial

- Our Plan: ChildCareBC⁶

Funding in Community

Federal

- First Nations and Inuit Child Care Initiative (FNICCI) - Employment and Social Development Canada (ESDC)
- Aboriginal Head Start On Reserve (AHSOR) - Health Canada
- K4/K5 Programming - Indigenous Services Canada (ISC)
- Jordan’s Principle - ISC
 - Individual Requests
 - Group Requests
- IELCC Transformation Initiative Investments - ESDC & BCACCS

³ https://www.canada.ca/content/dam/canada/employment-social-development/programs/early-learning-child-care/reports/2017-multilateral-framework/MEL_and_CCF-EN.pdf

⁴ <https://www.canada.ca/en/early-learning-child-care-agreement/agreements-provinces-territories.html>

⁵ <https://www.canada.ca/en/employment-social-development/programs/indigenous-early-learning/2018-framework.html#h2.1>

⁶ <https://www2.gov.bc.ca/gov/content/family-social-supports/caring-for-young-children/child-care-strategy>

- Wage Enhancement, Community Planning, Service Delivery & Enhancement, Capital, and COVID-19
- ELCC Quality & Innovation Projects - ESDC
- Language Nest Programs - Heritage Canada

Provincial

- Early Learning (e.g. Strong Start, Just B4, Seamless Day) – MECC
- Child Care - MECC
 - New Spaces Fund, Affordable Child Care Benefit, Child Care Fee Reduction Initiative, \$10/Day ChildCareBC Centres, Young Parent Programs
- Aboriginal Infant Development Program (AIDP) – MECC
- Aboriginal Supported Child Development Program (ASCD) – Ministry of Child and Family Development (MCFD)
- Aboriginal Head Start On Reserve (AHSOR), linked with the First Nation Health Authority’s Fetal Alcohol Syndrome Disorder (FASD) Program and Maternal Child Health Program - MECC
- Aboriginal Child Care Resource & Referral Program (ACCRR) - MECC

Challenges in the Existing Landscape

The current policy and funding landscape for Indigenous ELCC is fragmented across varying governance and policy directives, and across funding streams. Although there are numerous investment streams to support Indigenous ELCC in BC, only three are accountable at a systems-level to First Nations leadership: IELCC Transformation Initiative funding through BCACCS; AHSOR through the First Nations Health Authority; and K4/K5 through local First Nations, First Nations Schools Association (FNSEA), and First Nations Education Steering Committee (FNESC). First Nations in BC have expressed frustration and confusion in navigating these various lines of policy and in accessing funding, and that this siloed approach is a barrier to meeting local needs and responding to local priorities. Mandated First Nations organizations are also hampered by this patchwork approach to policy and funding, as it limits their ability to gather and work with data at a systems-level (e.g. where are investments going, what is their impact, who is involved, what are the gaps).

In addition, the current ELCC licensing regime, combined with inadequate and inaccessible training for ELCC professionals, has created challenges in capacity for locally based First Nations ELCC programs - particularly in remote, small, and coastal communities - and inequities in the ability to deliver quality and culturally appropriate ELCC programs and services.

Presently, Indigenous ELCC does not exist as a coherent or coordinated system, nor does it provide a clear pathway for First Nations-determined, -designed, and -monitored programs and services. This creates inefficiencies in the equitable access and delivery of quality programs and services to First Nations children and families across BC.

First Nations’ Jurisdiction over ELCC

First Nations in BC have inherent rights, including the right to self-determination and self-government, which includes the right to care for our children in accordance with our cultures, traditions, and laws. These rights are recognized and affirmed through section 35 of the *Constitution Act 1982*. The rights of Indigenous peoples, including First Nations in British Columbia, are also affirmed in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and more recently, through the passage of the federal *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) and the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA).

In 2019, BCACCS led engagements asking First Nations in BC what Indigenous jurisdiction over ELCC would look like. These findings were published in the BCACCS report *Advancing Indigenous Jurisdiction over Indigenous Childcare in British Columbia: A Community Engagement Project to Explore Opportunities for Legal Change* (2020)⁷, with the following key themes highlighted: governance, Indigenous policy development, culture and language, and institutional and political support. Both prior to and since that report, there have been various developments which may be used to support Indigenous jurisdiction over ELCC:


- **IELCC Framework:** Canada and BC have committed to implementing the Framework, which has been endorsed by First Nations in BC. The Framework describes an overarching vision for a comprehensive and coordinated ELCC system that is led by Indigenous peoples and includes support for regionally-based, First Nations-determined, -developed, and -led ELCC systems, and First Nations-led funding allocations that are based on the needs and priorities of communities.
- **Tripartite MOU on First Nations ELCC:** First Nations in BC have provided support via resolution for a tripartite MOU with Canada and BC on First Nations ELCC.
- **United Nations Declaration on the Rights of Indigenous Peoples:**
 - Canada has passed UNDA, which provides that the Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure the laws are consistent with UNDRIP and to prepare and implement an action plan to achieve the objectives of UNDRIP.
 - BC has passed the DRIPA, which provides that the government of British Columbia must, in cooperation and consultation with Indigenous peoples in British Columbia, take all measures necessary to ensure the laws of British Columbia are consistent with UNDRIP and prepare and implement an action plan to achieve the objective of UNDRIP. In accordance with Section 4 of DRIPA, the BC government's action plan includes Action 4.19:
 - *As part of a commitment to an inclusive, universal childcare system, work in collaboration with B.C. First Nations to implement a distinctions-based approach to support and move forward jurisdiction over childcare.*
 - *The Province has committed to working collaboratively with First Nations in legislative and policy reform, which includes legislation, regulations, and policy reform related to ELCC.*
- **First Nations Child & Family Services:** First Nations' inherent right to self-government, including the jurisdiction over child and family services, has been affirmed and upheld through *An Act Respecting First Nations, Inuit and Metis children, youth and families* and through the *Indigenous Self-Government in Child and Family Services Amendment Act*.
- **First Nations Education:** First Nations' inherent right to self-government, including jurisdiction over education, has also been affirmed and upheld by Canada and BC through the passage of legislation and through various agreements.

Questions

BCACCS wants to continue to support First Nations in their goals to exercise their inherent rights to self-government, including the exercise of jurisdiction over ELCC.

BCACCS recognizes that jurisdiction over ELCC amongst First Nations in BC must be implemented by First Nations and will be distinct depending on the aspirations, needs, governance, and laws of each Nation.

⁷ <https://www.acc-society.bc.ca/resource/advancing-indigenous-jurisdiction-over-indigenous-childcare-in-british-columbia-a-community-engagement-project-to-explore-opportunities-for-legal-change/>



BCACCS recognizes that a quality and jurisdiction-based ELCC system requires adequate and accessible funding, resources, and support.

To better understand and support First Nations in this discussion, we would like to explore the following questions:

1. What do you need in the current Indigenous ELCC landscape to have a thriving ELCC system in your Nation?
2. Is jurisdiction over ELCC something your Nation has considered or is contemplating?
 - a. If so, what are some of the opportunities to implement jurisdiction over ELCC in your Nation?
 - b. What are/might be challenges or barriers to your Nation when exercising jurisdiction over ELCC?
3. What can First Nations ELCC organizations, such as BCACCS, do to support Nations to address challenges presented by the current ELCC landscape?
4. What can First Nations ELCC organization, such as BCACCS, do to support the implementation of jurisdiction over ELCC, if that is a path that your Nation wishes to pursue?