

401/25-11-1

part 2

FILE
DOSSIER
DEPARTMENT
MINISTÈRE

401/25-11-1

VOLUME 2

INDIAN-ESKIMO AFFAIRS

SUBJECT
SUJET

JOINT SCHOOL - GENERAL
AGREEMENT (PROVINCIAL ONLY)

7690-21-849-8686

REFERRED TO REMIS À	REMARKS REMARQUES	INITIALS INITIALES	DATE	P.A. DATE CLASSER	INITIALS INITIALES	B.F. DATE REPORTER
E	136835	SM	26-11-73	Trans	to	487/25-11-563
CLOSED						
CLOSED						

FILE
DOSSIER
SUBJECT
SUJET
401/25-11-1
VOLUME 2
JOINT SCHOOL - GENERAL
AGREEMENT (PROVINCIAL ONLY)

401/25-11-1 Joint Schools-General Agreements

No.

FLAGS

TO	DATE	BY	TO	DATE	BY	REQ'D BY	PER	DATE
E4	29 11 69	SL						
E4	9 12 69	SL						
E	23 1 70	SL						
E	26 2 70	SL						
E4	26 3 70	SL						
O	9 4 70	SL						
E4	8 5 70	SL						
E4	15 9 71	SL						
E4	21 9 71	SL						
AE	7 3 73	SL						
A/E	27 9 73	SL						
E	26 11 73	SL						
E2	12 3 75	SL						
E1	10 3 75	SL						
E	12 6 75	SL						
E3	2 9 78	SL						
E6	4 5 78	SL						
B	8 1 79	SL						
MB	15 10 81	SL						
E	15 1 82	SL						

No.

FLAGS

[illegible]

	Actual Appointment Made		Under Consideration	No discussions or	Remarks
	<u>School Board</u>	<u>Representative</u>	by:	<u>approach</u>	
Tyendinaga	0	0	0	Discussed only - no action taken	n/a - no joint school agreement
St. Regis	-	-	-	-	joint agreement with Separate School Board only, others not applicable
Peterborough	Haldimand & Alnwick Twop Board	Mr. K. Marsden			
	O(Rosemeath but n/a)	-	-	-	applicable to: Otanabee Wop. Board (Hiawatha) Lakefield Public Sch. Board (Mud Lake) Eganville Sep. School Board (Golden Lake)
S. Lookout	-	-	-	-	only possibility Lac Seul ???
Six Nations	-	-	-	-	actually n/a elementary or high school
Kenora	-	-	F. Frances H.S. (n/a) F. Frances Separate Emo Public	L. of Woods H.S. Jaffray Melic Public Morson Public Kenora Separate	Difficulty arises from insufficient interest of various Bands to seek representation. This problem receiving attention
Sudbury	-	-	Salter May, Harrow	S.S. Marie Board Bear Island Board North Bay Separate Sturgeon Falls CRCSS Algoma District School Area No. 2 Blind River CRCSS Denison, Graham, Waters Espanola Separate School Board	
Georgian Bay	-	-	Parry Sound No. 1 (motion passed by awaiting legal advise) Southampton Public Orillia Board	Medora-Woods Port Perry Area Board	Medora-Wood discussed only with secretary-treasurer, not with Board.

London - in

none yet from. Manitowish, Lakehead.

Toronto, Ontario.
M4T 2P8

May 18, 1978.

~~401/25-11-1 (E10)~~ P2
401/25-1
489/25-1

District Manager,
Nakina District.

Attention: B. Gibb,
District Superintendent
of Education.

Tuition Payments

Further to our phone conversation on May 16, Gibb/Brodhead, you will find enclosed a page from The Education Act 1974, which explains the method used in the Calculation of Average Daily Enrolment, together with copies of various tuition agreements, which illustrate the correct interpretation of this regulation. I have also enclosed a copy of the Fort Frances agreement, which illustrates an incorrect Tuition Clause. For this reason, the Fort Frances agreement was declared null and void and is currently being rewritten.

Under no circumstances will this Department condone the calculation or payment of tuition money that is in variance with this regulation. If this office can be of further assistance, feel free to contact us.


G. A. Mullin,
Director - Education,
Ontario Region.

encl.

CONFIDENTIAL

Dr. J.R. McCarthy,
Deputy Minister,
Ontario Department of Education,
44 Eglinton Avenue West,
Toronto 12, Ontario

1849 Yonge Street, Toronto 295,
May 8, 1970

401/25-11-1 (E)

Dear Dr. McCarthy:

By this letter, I wish to report that our undertaking to relate the federal educational functions throughout Ontario to the Department of Education regions and county areas is nearing completion. It is probably timely to consider possible dates on which we might meet to review this material.

I am suggesting tentatively May 21 or 22, or, alternately, June 11 or 12. I wonder if you would verify which, if any, of these dates would be most suited to you and your staff. If alternates to these are required, perhaps this could best be accomplished by telephone.

Yours very truly,

ORIGINAL SIGNED BY

H. B. RODINE

RODINE/ajm

H.B. Rodine,
Regional Superintendent of Education

DRAFT

401/25-11-1

MEMORANDUM OF AGREEMENT made this

DAY OF

1970 A.D.

BETWEEN:

HER MAJESTY THE QUEEN in right of Canada
represented herein by the Minister of
Indian Affairs and Northern Development,
hereinafter referred to as "CANADA"

OF THE FIRST PART

AND

THE BOARD OF SCHOOL TRUSTEES OF

in the Province of Ontario, hereinafter
referred to as "THE BOARD"

OF THE SECOND PART

WHEREAS it is desirable that Indian children residing within the
boundaries of the School Division in the Province
of Ontario be provided with education in accordance with applicable
provincial legislation, regulations, orders, and instructions governing
education in the said School Division;

AND WHEREAS the Board wishes to collaborate with the Indian people and
Canada to provide educational services to meet the needs of all Indian children
resident within the boundaries of the School Division;

AND WHEREAS paragraph (d) of subsection (1) of section 113 of the Indian
Act provides that the Governor in Council may authorize the Government of
Canada, in accordance with the said Act, to enter into Agreements with a public
or separate school board on behalf of Her Majesty for the education in
accordance with the said Act of Indian children;

AND WHEREAS by Order in Council P.C. 1963-5/382 dated March 9, 1963, the
Minister is authorized to enter into agreements with the authorities referred
to in Section 113(1) of the Indian Act for the educational training of Indians;

AND WHEREAS Section 35c of The Schools Administration Act of Ontario
provides that the Board may enter into an Agreement with Canada respecting
the education of Indian children and appoint Indian representation to the Board;

AND WHEREAS the following Indian communities may, according to the intent of this agreement, be included within the boundaries of the

School Division;

AND WHEREAS it is desirable that an agreement be concluded, with the concurrence of each of the Band Councils of the above-mentioned Indian communities, between Canada and the Board, outlining the services to be provided to Indian children, the procedures to be adopted to ensure that the Indian communities are duly represented on the Board, and the terms on which Canada will pay for the additional expenses incurred by the Board in accepting Indian pupils into its school system;

AND WHEREAS the Board has agreed to enrol Indian pupils in any school operated by the School Division (hereinafter called "the Division") and to provide such pupils with instruction suited to their needs:

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that the parties hereto hereby covenant and agree each with the other as follows:

1. In this Agreement,

- (a) "Indian Act" means the Indian Act, Revised Statutes of Canada, 1952, Chapter 149, as amended;
- (b) "School Legislation" means The Department of Education Act, The Public Schools Act, The School Administration Act, The Secondary Schools and Boards of Education Act, The Separate Schools Act, Revised Statutes of Ontario, as amended;
- (c) "Operating Expenses" means annual expenses incurred in respect of the administration, operation, and maintenance of all public or separate schools within the Division and includes the cost of transportation and all other auxiliary services normally provided

in the Division and such other services as may be requested by Canada to provide for the special needs of Indian pupils, reduced by:

- i. capital debt charges (principal plus interest) unless applicable;
- ii. expenditures for other school boards;
- iii. pupil transportation costs where not applicable;
- iv. other expenses not pertinent to the education of Indian pupils -- as mutually agreed upon between Canada and the Board;
- v. federal funds provided for educational services by any other Federal Department.

(d) "Capital Costs" shall mean certain capital expenditures made with respect to each specific project undertaken for the benefit of Indian and other pupils;

(e) Unless the context otherwise requires, in this Agreement:

"Indian children" means the children who are Indians as defined in the "Indian Act" of Canada and who ordinarily reside on a reserve or on lands belonging to Her Majesty in the right of Canada or a Province, and whose phase of education is Grade 1 to 12 inclusive, and kindergarten to Grade 13 if the latter instruction is provided in the school at which the Indian children attend;

(f) "Residence" means the place of residence of the parents of Indian children, or in the case of children not residing with their parents, any dormitory, foster home, or other lodging provided for Indian children;

- (g) "Fiscal year" means the period between 1 April in any year and the next following 31 March;
 - (h) "School year" has the meaning given to that term in The School Legislation;
 - (i) "Elementary and junior secondary school education" means Grades I to X inclusive;
 - (j) "Senior secondary education" means Grades XI to XIII inclusive;
 - (k) "Education services" means the total school program designed to meet the individual needs of each Indian child including, where applicable, such items as school supplies, guidance, Indian teacher aides, educational research, public health, intercultural teacher education, school attendance, lunches, supervision and transportation.
2. All Indian children with the consent of their parents shall be eligible to be enrolled in conveniently located elementary and secondary public schools in the Division in which they are domiciled, including public or separate schools established on Indian reserves, on the same terms and conditions as non-Indian children and shall be provided with education in accordance with applicable legislation, regulations, orders, and instructions governing the education in the Province of Ontario.
 3. Canada may, at her discretion, provide through the Band Councils concerned additional services for registered Indian pupils enrolled in Divisional schools not offered to other pupils by the Board.
 4. The Board may assume, with the consent of the Band Council, formally expressed in a Band Resolution addressed to the Board, the administration, operation, and maintenance of a school building owned by Canada, each such assumption of administration, operation, and maintenance shall be subject as to the terms thereof, to a separate Memorandum of Agreement between the parties hereto, as to the effective date thereof and in consideration of the payment of the sum of

\$1.00 (one dollar) every school building shall be leased to the Board of School Trustees for such period of time as the Board may require the school building for the accommodation of children (Indian and non-Indian) within the School District. Nothing in this clause shall be construed as a mandatory requirement that the Board of School Trustees shall assume the administration, operation, and maintenance of a school building owned by Canada if in the opinion of the Board and with the written consent of the Band Council the Indian children enrolled in such school building should be enrolled for attendance in a school or schools owned by the Board.

5. Where, as a result of Indian children being enrolled for attendance in an elementary school or for attendance in a secondary school in the Division in accordance with the terms of this Agreement, teachers, as defined in the Public Schools Act, and other staff providing school services, for example, janitors, bus drivers, etc., in the employ of Canada are deprived of such employment, wherever feasible and practical, such employees shall be employed by the Board subject to the conditions of employment prevailing in the Division.

6. Canada shall

(a) pay to the Board each fiscal year a per capita share of the operating cost of elementary and secondary education in the Division determined by dividing a number equal to the number of Indian elementary and junior secondary students in attendance at schools of the Division during that year by a number equal to the total number of elementary and junior secondary students in attendance at schools of the Division during that year and multiplying the quotient by the operating cost of elementary and junior secondary education for that year; and by dividing a number equal to the number of Indian senior secondary students in attendance at schools of the Division during that year by a number equal to the total number of senior secondary students in attendance at schools

of the Division during that year and multiplying the quotient by the operating cost of senior secondary education for that year;

- (b) pay to the Board, upon a mutually agreed basis, a share of the cost of any special program that may be deemed essential for the education of Indian students by the Board in consultation with the Band Council.
- (c) make interim payments on December 31, March 31 and June 30, subject to settlement of the share of operating costs as determined under sub-paragraph (a) at the end of each fiscal year upon receipt of an annual financial statement from the Division.

7. The Board shall

- (a) by arrangement with the Band Council ensure the regular attendance of Indian school children;
- (b) supply classroom accommodation necessary for the education and instruction of the Indian students;
- (c) accept Indian students for enrollment at the Divisional schools at the commencement of each school year on the same basis as other Divisional students;
- (d) provide for Indian pupils educational opportunities and instruction to meet their needs and to ensure their progress from grade to grade with their peers;
- (e) endeavour to ensure that there will be no segregation of the children in the Divisional schools;
- (f) forward to Canada at the end of the fiscal year a statement showing the proportion of the operating cost of the Division payable to the Board by Canada for the fiscal year just ended.

8. The number of students in attendance in Divisional schools during each school year shall for the purposes of determining the proportion of the operating cost payable by Canada for the school year, be the number of students listed on the school register as of October 1st of that school year or the number of students agreed upon by the parties prior to the commencement of that school year.

9. It is mutually covenanted and agreed by Canada and the Board that
- (a) any program for the building of Division schools in which Indian students are to be registered shall be undertaken on the basis of a special and specific agreement;
 - (b) Canada shall pay, in addition to the share of operating costs referred to in section 6 (a) on behalf of Indian students such special charges as may be assessed to the parents of non-Indian students;
 - (c) the Board shall arrange for representation of Indian residents on the Board under the terms of The Schools Administration Act, Section 35c.
10. (a) Nothing contained in this agreement shall confer upon Canada any right of formal classroom inspection, supervision over the curriculum, the administration of teaching personnel, the methods or materials of instruction or management generally of the Divisional schools; provided, however, any person authorized by Canada shall have the right to visit from time to time those Divisional schools attended by Indian students, provided such visit is made with the knowledge and agreement of the Board;
- (b) This agreement has been written in order to achieve the maximum opportunity for Indian students, and to accomplish this purpose, it will be necessary for both the Board and the Band Council or their representatives to work in a continuous and close consultative relationship. Programs which either party may deem as necessary or helpful from time to time may be implemented on a special agreement basis;
 - (c) To clarify the programs at the time of the signing of this agreement, "Addendum 'A'" is attached.
11. (a) This agreement shall come into force on the day of , 197 .
- (b) This agreement shall be terminated by either party hereto at the end of the second full school year following the date of a written

notice to that effect sent by the party desiring termination or amendment to the other party; and

(c) for this purpose the written notice shall be sent to Canada

addressed to: Assistant Deputy Minister,
Indian and Eskimo Affairs,
Department of Indian Affairs and
Northern Development,
Ottawa, Ontario.

and to the Board to:

or to such other persons as shall be designated by either party in writing.

IN WITNESS WHEREOF these presents have been signed and sealed by the parties hereto the day and year above written.

.....
Assistant Deputy Minister
(Indian and Eskimo Affairs)

AND IN WITNESS WHEREOF these presents are executed on behalf of The School Board of the

.....
Chairman

.....
Secretary-Treasurer

and on behalf of the Band Council of the

Indian Reserve.

.....
Chief

DAM
401/25-11-1
Gen Agreem.

Agenda for Toronto Meeting with Deputy Minister of Education

November 28, 1969

1. Basic principles established by Indian Policy Statement.
2. Pertinent legislation:-
 - Federal
 - Provincial
3. General agreement on education:-
 - (a) Basic principles of federal fiscal aid for tuition costs
 - (b) The transfer of federal schools to the province
 - (c) School services for Indian children under provincial jurisdiction
 - (d) Federal capital for school construction

Next Meeting :- 1. Prelim
2.
-

Notes on Agenda

I. Indian Policy Statement

1. Removal of discriminatory laws to give Indians equal legal status.
2. Recognition of Indian cultural contributions to Canadian life.
3. Services to be provided through normal channels to Indians.
4. Special services for those who need them.
5. Implementation of policy through consultation and negotiation with Indian peoples and with provincial governments.
6. Federal funds for Indian programs to be transferred to provinces.
7. Transfer of certain responsibilities to other federal agencies.
8. Control of Indian lands to be transferred to Indian people.

- II.
9. Indian Act to be revised to remove discriminatory school legislation. Indian children will be subject to provincial school law.
 10. Provincial legislation necessary to give Indians full status as electors. This has been accomplished in British Columbia and Saskatchewan.

III. General Agreement

11. Suggested formula for compensation to the provinces for tuition costs:
 - (a) Indian children to be admitted to provincial schools as grant-earning pupils.
 - (b) Federal reimbursement to province to offset the additional cost to the province.
 - (c) Federal grant to compensate local boards for additional operational costs on behalf of Indian pupils, payable to province for distribution.
 - (d) Provincial enrolment data:

Indian pupils in provincial schools:	6,500
Spaces purchased in provincial schools:	5,500
 - (f) Federal enrolment -- Kindergarten to Grade VIII: 7,200

IV. Transfer of Federal Schools to Province

12. Legislation to bring reserves within school administrative units.
13. Local Indian consultation.
14. Indian voting privileges.
15. Legal transfer of schools to counties, etc.
16. Formation of northern school division to take in unorganized territory.
17. Transfer of existing staff.

V. School Services for Indian Children

18. Kindergarten on and off reserves.
19. Counselling services.
20. School supplies.
21. School lunches.
22. School transportation.
23. Special supervision in language arts.
24. Health services.
25. Indian teacher aides.
26. Intercultural teacher training.
27. Research and curriculum development.

VI. Federal Capital for School Construction

28. Development of projected program of integration including transfer of pupils and federal schools.
29. Annual federal grant to the province for construction based on program projections and school costs.
30. Capital program to include take-over of federal schools.

31. Data on federal schools:

(a) Number of schools:	81
(b) Number of classrooms:	280
(c) Enrolment:	7,200
(d) Estimated cost of renovations, replacement and additions:	\$10,600,000

Mr. G. H. Waldrum,
Superintendent of Supervision,
Ontario Department of Education,
44 Eglinton Avenue West,
Toronto 12, Ontario.

TORONTO 295, April 16, 1970.

~~401/23-5 (51)~~
c.c. 401/1-10E


File 401/25-11-1

Dear Mr. Waldrum:

This will acknowledge receipt of your request of April 1, 1970
for information and data regarding our Education Program.

We are now in the process of consolidating the data required
and would expect to have our report available by early May.

Yours very truly,


H. B. Rodine,
Regional Superintendent
of Education, Ontario.

SHAW/lyn

44 Eglinton Avenue West / Toronto 12, Ontario

ONTARIO DEPARTMENT OF EDUCATION

CONFIDENTIAL

April 1, 1970.

In reply please refer to file:

401/23-5
cc 401/1-10E

Dear Mr. Rodine:

Following our discussion the other day, I am enclosing for your convenience maps showing the jurisdiction of each divisional board in Ontario, and a directory listing the names of the boards in each of the ten regions.

It would be particularly useful if, for each region, you could provide the following information:

A. Indian Reserves within the jurisdiction of a school board

1. Population of Reserve
2. Number of students enrolled in schools operated by Canada
3. Number of students enrolled in schools operated by the Board (name Board and number of pupil places "purchased" by Canada)
 - (a) elementary
 - (b) secondary

B. Indian Reserves outside the jurisdiction of a school board

1. Population of Reserve
2. Number of students enrolled in schools operated by Canada
3. Number of students enrolled by agreement in schools operated by a Board (name Board and number of pupil places "purchased" by Canada)
 - (a) elementary
 - (b) secondary

C. Special situations

1. Residential schools
2. Hostels
3. Etc.

Any maps or map references that clearly identify the location of schools and communities would be, at this point, very helpful. If I can assist you in any way, please do not hesitate to give me a call.

Yours sincerely,

G. H. Waldrum

G. H. Waldrum,
Superintendent of Supervision.

Mr. H. B. Rodine,
Regional Superintendent of Education,
Department of Indian Affairs and Northern Development,
1849 Yonge Street,
Toronto 295, Ontario.

001899

BEST AVAILABLE COPY

General Agreement
File
401/25-11-1

OTTAWA 4, Dec 7/69

1/25-1
c.c. 1/25-8

Dr. J.R. McCarthy,
Deputy Minister of Education,
Ontario Department of Education,
Queen's Park,
Toronto, Ontario.

Dear Dr. McCarthy:

I wish to acknowledge your letter of October 3, 1969 regarding the payment by this Department of the actual cost of training in Department of Education Institutions rather than the published fee as has been the case to date.

My understanding is that your letter is specifically related to students in Community Colleges who enroll in programs which are of more than 52 weeks duration. Actual costs are already being paid either by my Department or by the Department of Manpower and Immigration on behalf of those students enrolled in programs of less than 52 weeks duration.

I have several concerns about your proposal of applying the actual cost formula as opposed to the published fee costs as has been the case to date. It seems to me that if we are in fact looking at students enrolled in programs which run longer than 52 weeks the question may well be raised whether this training is more related to the regular matriculation program and university education rather than to manpower retraining programs. I am also concerned about a possible reaction from the Indian people who might feel that since they are contributing to the provincial tax structure to some extent already, they are entitled to expect the services of provincial institutions to be available to them on a par with other residents of the province.

An additional concern is that if the actual cost formula were to be applied immediately, it would seriously affect our training activities for the balance of the current fiscal year, since we did not foresee this expenditure when this year's budget for post school education was planned. I am also not certain what effect, if any, this proposal would have on the total post school educational services area.

Because of the many implications your proposal raises, it might be useful for us to arrange a meeting to discuss this whole area in more detail. If you agree, I would appreciate you suggesting a possible date and place for such a meeting, and I will arrange for appropriate officers of my Department to attend.

Yours sincerely,

Macdonald
J.A. Macdonald,
Deputy Minister.ZAKRESKI:vt
Nov. 19/69

INFORMATION RE: JOINT SCHOOLS

PA please
401/25-11-1 (E.4)
November 28, 1969

Number of Joint Agreements to date 98

Number of Pupil Spaces Purchased
to date: 4,923 (4,045 elementary spaces)
(873 high school spaces)

Cost of pupil spaces (cumulative)
paid by Indian Affairs \$6,587,017. (to date)

1968-69 Expenditure of Indian Affairs to
provincial school boards for tuition
(in-school) \$3,853,866.00

Budget for tuition, provincial schools,
for 1969-70 fiscal year \$3,529,526.00 (this amount expected to be
exceeded)

Amount paid to date this fiscal year
to provincial school boards
for tuition (to October 31/69) \$2,121,420.00

Total Number of Indian Students
attending at provincial schools
September, 1969 6,968 (4,730 elementary)
(2,238 high school)

Indian Representatives on School Boards 4 definite, 4 indefinite

The following federal schools are located off-reserves for off-reserve Indian communities:

Poplar Hill
Deer Lake
North Spirit
Round Lake
Bearskin
Kingfisher Lake
Kassabonika
Webiqui
Lansdowne House A.C.
Lansdowne House R.C.
Fort Severn
Winisk
Attawapiskat
Albany R.C.
Collins
Aroland

CONFIDENTIAL

184,9 Yonge Street,
Toronto 295, Ontario,
January 23, 1970

Mr. J.R. McCarthy,
Deputy Minister,
Ontario Department of Education,
44 Eglinton Avenue West,
Toronto 197, Ontario

401/25-11-1 (E)

Dear Dr. McCarthy:

In keeping with your conversation to-day with Mr. Simpson at my Ottawa Headquarters, I am pleased to forward a draft of an agreement between Canada and School Boards of Ontario as discussed during our meeting of November 28th. The draft is intended to formulate a basis for discussion from which a final agreement, mutually satisfactory to both departments, would be composed.

It is my understanding that when you have had opportunity to review the draft over the next two weeks or so, you will be in contact with me with the view to planning a further meeting. In the meantime, if I can be of any assistance, please do not hesitate to call me.

Yours sincerely,

ORIGINAL SIGNED

BY

H. B. RODINE

H.B. Rodine,
Regional Superintendent of Education

Encl:

c.c. Indian Affairs & Northern Development, Ottawa.
Attn: Mr. D. Simpson, Education Branch.

D R A F T

December 5, 1969.

MEMORANDUM OF AGREEMENT made this DAY OF 1970 A.D.

BETWEEN:

HER MAJESTY THE QUEEN in right of Canada
represented herein by the Minister of
Indian Affairs and Northern Development,
hereinafter referred to as "CANADA"

OF THE FIRST PART

AND

THE BOARD OF SCHOOL TRUSTEES OF

in the Province of Ontario, hereinafter
referred to as "THE BOARD"

OF THE SECOND PART

WHEREAS it is desirable that Indian children residing within the
boundaries of the School Division in the Province
of Ontario be provided with education in accordance with applicable
provincial legislation, regulations, orders, and instructions governing
education in the said School Division;

AND WHEREAS the Board wishes to collaborate with the Indian people and
Canada to provide educational services to meet the needs of all Indian children
resident within the boundaries of the School Division;

AND WHEREAS paragraph (d) of subsection (1) of section 113 of the Indian
Act provides that the Governor in Council may authorize the Government of
Canada, in accordance with the said Act, to enter into Agreements with a public
or separate school board on behalf of Her Majesty for the education in
accordance with the said Act of Indian children;

AND WHEREAS by Order in Council P.C. 1963-5/382 dated March 9, 1963, the
Minister is authorized to enter into agreements with the authorities referred
to in Section 113(1) of the Indian Act for the educational training of Indians;

AND WHEREAS Section 35c of The Schools Administration Act of Ontario
provides that the Board may enter into an Agreement with Canada respecting
the education of Indian children and appoint Indian representation to the Board;

251
236

250
230

AND WHEREAS the following Indian communities may, according to the intent of this agreement, be included within the boundaries of the

School Division;

AND WHEREAS it is desirable that an agreement be concluded, with the concurrence of each of the Band Councils of the above-mentioned Indian communities, between Canada and the Board, outlining the services to be provided to Indian children, the procedures to be adopted to ensure that the Indian communities are duly represented on the Board, and the terms on which Canada will pay for the additional expenses incurred by the Board in accepting Indian pupils into its school system;

AND WHEREAS the Board has agreed to enrol Indian pupils in any school operated by the School Division (hereinafter called "the Division") and to provide such pupils with instruction suited to their needs:

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that the parties hereto hereby covenant and agree each with the other as follows:

1. In this Agreement,

- (a) "Indian Act" means the Indian Act, Revised Statutes of Canada, 1952, Chapter 149, as amended;
- (b) "School Legislation" means The Department of Education Act, The Public Schools Act, The School Administration Act, The Secondary Schools and Boards of Education Act, The Separate Schools Act, Revised Statutes of Ontario, as amended;
- (c) "Operating Expenses" means annual expenses incurred in respect of the administration, operation, and maintenance of all public or separate schools within the Division and includes the cost of transportation and all other auxiliary services normally provided

in the Division and such other services as may be requested by Canada to provide for the special needs of Indian pupils, reduced by:

- i. capital debt charges (principal plus interest) unless applicable;
- ii. expenditures for other school boards;
- iii. pupil transportation costs where not applicable;
- iv. other expenses not pertinent to the education of Indian pupils -- as mutually agreed upon between Canada and the Board;
- v. federal funds provided for educational services by any other Federal Department.

(d) "Capital Costs" shall mean certain capital expenditures made with respect to each specific project undertaken for the benefit of Indian and other pupils;

(e) Unless the context otherwise requires, in this Agreement:

"Indian children" means the children who are Indians as defined in the "Indian Act" of Canada and who ordinarily reside on a reserve or on lands belonging to Her Majesty in the right of Canada or a Province, and whose phase of education is Grade 1 to 12 inclusive, and kindergarten to Grade 13 if the latter instruction is provided in the school at which the Indian children attend;

(f) "Residence" means the place of residence of the parents of Indian children, or in the case of children not residing with their parents, any dormitory, foster home, or other lodging provided for Indian children;

(g) "Fiscal year" means the period between 1 April in any year and the next following 31 March;

(h) "School year" has the meaning given to that term in The School Legislation;

(i) "Elementary and junior secondary school education" means Grades I to X inclusive;

(j) "Senior secondary education" means Grades XI to XIII inclusive;

(k) "Education services" means the total school program designed to meet the individual needs of each Indian child including, where applicable, such items as school supplies, guidance, Indian teacher aides, educational research, public health, intercultural teacher education, school attendance, lunches, supervision and transportation.

2. All Indian children with the consent of their parents shall be eligible to be enrolled in conveniently located elementary and secondary public schools in the Division in which they are domiciled, including public or separate schools established on Indian reserves, on the same terms and conditions as non-Indian children and shall be provided with education in accordance with applicable legislation, regulations, orders, and instructions governing the education in the Province of Ontario.

3. Canada may, at her discretion, provide through the Band Councils concerned additional services for registered Indian pupils enrolled in Divisional schools not offered to other pupils by the Board.

4. The Board may assume, with the consent of the Band Council, formally expressed in a Band Resolution addressed to the Board, the administration, operation, and maintenance of a school building owned by Canada, each such assumption of administration, operation, and maintenance shall be subject as to the terms thereof, to a separate Memorandum of Agreement between the parties hereto, as to the effective date thereof and in consideration of the payment of the sum of

\$1.00 (one dollar) every school building shall be leased to the Board of School Trustees for such period of time as the Board may require the school building for the accommodation of children (Indian and non-Indian) within the School District. Nothing in this clause shall be construed as a mandatory requirement that the Board of School Trustees shall assume the administration, operation, and maintenance of a school building owned by Canada if in the opinion of the Board and with the written consent of the Band Council the Indian children enrolled in such school building should be enrolled for attendance in a school or schools owned by the Board.

5. Where, as a result of Indian children being enrolled for attendance in an elementary school or for attendance in a secondary school in the Division in accordance with the terms of this Agreement, teachers, as defined in the Public Schools Act, and other staff providing school services, for example, janitors, bus drivers, etc., in the employ of Canada are deprived of such employment, wherever feasible and practical, such employees shall be employed by the Board subject to the conditions of employment prevailing in the Division.
6. Canada shall
 - (a) pay to the Board each fiscal year a per capita share of the operating cost of elementary and secondary education in the Division determined by dividing a number equal to the number of Indian elementary and junior secondary students in attendance at schools of the Division during that year by a number equal to the total number of elementary and junior secondary students in attendance at schools of the Division during that year and multiplying the quotient by the operating cost of elementary and junior secondary education for that year; and by dividing a number equal to the number of Indian senior secondary students in attendance at schools of the Division during that year by a number equal to the total number of senior secondary students in attendance at schools

of the Division during that year and multiplying the quotient by the operating cost of senior secondary education for that year;

- (b) pay to the Board, upon a mutually agreed basis, a share of the cost of any special program that may be deemed essential for the education of Indian students by the Board in consultation with the Band Council.
- (c) make interim payments on December 31, March 31 and June 30, subject to settlement of the share of operating costs as determined under sub-paragraph (a) at the end of each fiscal year upon receipt of an annual financial statement from the Division.

7. The Board shall

- (a) by arrangement with the Band Council ensure the regular attendance of Indian school children;
- (b) supply classroom accommodation necessary for the education and instruction of the Indian students;
- (c) accept Indian students for enrollment at the Divisional schools at the commencement of each school year on the same basis as other Divisional students;
- (d) provide for Indian pupils educational opportunities and instruction to meet their needs and to ensure their progress from grade to grade with their peers;
- (e) endeavour to ensure that there will be no segregation of the children in the Divisional schools;
- (f) forward to Canada at the end of the fiscal year a statement showing the proportion of the operating cost of the Division payable to the Board by Canada for the fiscal year just ended.

8. The number of students in attendance in Divisional schools during each school year shall for the purposes of determining the proportion of the operating cost payable by Canada for the school year, be the number of students listed on the school register as of October 1st of that school year or the number of students agreed upon by the parties prior to the commencement of that school year.

9. It is mutually covenanted and agreed by Canada and the Board that
- (a) any program for the building of Division schools in which Indian students are to be registered shall be undertaken on the basis of a special and specific agreement;
 - (b) Canada shall pay, in addition to the share of operating costs referred to in section 6 (a) on behalf of Indian students such special charges as may be assessed to the parents of non-Indian students;
 - (c) the Board shall arrange for representation of Indian residents on the Board under the terms of The Schools Administration Act, Section 35c.
10. (a) Nothing contained in this agreement shall confer upon Canada any right of formal classroom inspection, supervision over the curriculum, the administration of teaching personnel, the methods or materials of instruction or management generally of the Divisional schools; provided, however, any person authorized by Canada shall have the right to visit from time to time those Divisional schools attended by Indian students, provided such visit is made with the knowledge and agreement of the Board;
- (b) This agreement has been written in order to achieve the maximum opportunity for Indian students, and to accomplish this purpose, it will be necessary for both the Board and the Band Council or their representatives to work in a continuous and close consultive relationship. Programs which either party may deem as necessary or helpful from time to time may be implemented on a special agreement basis;
 - (c) To clarify the programs at the time of the signing of this agreement, "Addendum 'A'" is attached.
11. (a) This agreement shall come into force on the day of ,
197 .
- (b) This agreement shall be terminated by either party hereto at the end of the second full school year following the date of a written

notice to that effect sent by the party desiring termination or amendment to the other party; and

(c) for this purpose the written notice shall be sent to Canada

addressed to: Assistant Deputy Minister,
Indian and Eskimo Affairs,
Department of Indian Affairs and
Northern Development,
Ottawa, Ontario.

and to the Board to:

or to such other persons as shall be designated by either party in writing.

IN WITNESS WHEREOF these presents have been signed and sealed by the parties hereto the day and year above written.

.....
Assistant Deputy Minister
(Indian and Eskimo Affairs)

AND IN WITNESS WHEREOF these presents are executed on behalf of The School Board of the

.....
Chairman

.....
Secretary-Treasurer

and on behalf of the Band Council of the

Indian Reserve.

.....
Chief

Department of
Indian Affairs and
Northern Development



Ministère des
Affaires indiennes et
du Nord canadien

Toronto, 15 January 1970

Indian Affairs & Northern Development,
Ottawa

ATTN: Director, Education Branch

our file - notre dossier
your file - votre dossier

PA
401/25-11-1 (E)
cc: 411/25-17

RE: Purchase of Counselling Services -
North Bay

You are aware that I have been in attendance with the District School Superintendent at a meeting of the Nipissing (North Bay) Board of Education for the purpose of developing with that Board student counselling service somewhat after the pattern of the plan in operation in the Lakehead. The Board was most receptive to the plan and, because there were two reserves (Nipissing and Dokis), within their boundaries, the service would have gone one further than the Lakehead and extended to the reserves.

It would seem that the Director of Education for Nipissing had been in contact with his Deputy Minister on other matters and casually mentioned this encouraging development. The result has been the attached letter.

I have endeavoured to contact the Deputy Minister and, alternately, Mr. Kinlin, all through this week regarding this matter and the pending draft general agreement, but have had no success. The secretarial staff have informed me, "It may be possible to talk with Dr. McCarthy next week".

I shall continue my attempts.

RBDR/rajm

H.B. Rodine,
Regional Superintendent of Education

THE NIPISSING BOARD OF EDUCATION

269 MAIN STREET WEST, NORTH BAY, ONTARIO

P.O. Box 67

PHONES: 472-4013 — 472-8170

31239 JAN 14 1970

January 13, 1970.

411/25-17

Mr. H. B. Rodine,
Department of Indian Affairs,
1849 Yonge Street,
Toronto 295, Ontario.

Dear Mr. Rodine,

Re: Indian Affairs Counselling

Mr. F. Lawless of the Ontario Department of Education has advised our Director of Education that "no further steps should be taken in the direction of these negotiations until the two governments have made specific arrangements."

Because of this, it seems proper to suspend meetings of our committee investigating the matter until we receive further advice. Your contribution to the discussions was greatly appreciated. I hope that your assistance will still be available if and when the committee is reactivated.

Please accept my sincere thanks for participating in the deliberations.

Yours sincerely,



Robert J. Lynch,
Superintendent - Operations.

RJL/sb



CALL MEMO MESSAGE

FOR - POUR

J.G. McGILP

FROM - DE

J.M. BROOKE

OF - DE

☐ PLEASE CALL
PRIÈRE D'APPELER

☐ WILL CALL AGAIN
DOIT RAPPELER

☐ VISITED YOU
EST VENU POUR VOUS VOIR

☐ WANTS TO SEE YOU
DÉSIRE VOUS VOIR

PHONE NO.
N° DE TÉLÉPHONE

EXTENSION
EXTENSION POSTE

OPERATOR NO.
TÉLÉPHONISTE N°

SYSTEM: GOVT. ☐
RÉSEAU: GOUV. ☐

DND ☐
MDN ☐

LOCAL ☐

CITY - VILLE

MESSAGE

File 489/6-1-020 and 401/25-11-1

Re: Letter of 11/12/69 to J.R. McCarthy

**"According to Mr. Shaw, the Aroland school
is NOT located on Indian reserve land."**

CALL RECEIVED BY - MESSAGE REÇU PAR

TIME-HEURE

DATE

J. Nicholson

A.M.
P.M.

12-12-001913

c.c. Department of Indian Affairs and Northern Development, OTTAWA
Attn: Assistant Deputy Minister, Indian and Eskimo Affairs (In duplicate)
Attn: Acting Director, Education Branch
c.c. Superintendent, NAKINA INDIAN AGENCY
c.c. Superintendent-in-Charge, LAKEHEAD DISTRICT

Mr. J.R. McCarthy,
Deputy Minister,
Ontario Department of Education,
44 Eglinton Avenue West,
TORONTO 197, Ontario.

Toronto 295, December 11, 1969

489/6-1-020

c.c. 401/25-11-1

Dear Mr. McCarthy:

During our meeting on November 28th, I made reference to the school operation in the communities of Aroland and Winisk, and promised you I would write setting out some of the facts with respect to the operation of the education programs there. In this letter, I will deal only with Aroland.

Aroland, with some three hundred people comprising its population, is located on Provincial Crown land along the C.N.R. main line, fourteen miles west of Nakina. Approximately fifty-five per cent of the people are of Indian status and forty-five per cent are of non-Indian status, although, I understand, a good number of these are of Indian background. Work for the heads of households has stemmed mainly from the forestry operations of Kimberly-Clark. In some instances, income is still supplemented through limited hunting and trapping.

Until June 1964, the school children in the Aroland community received instruction in a renovated Hudson Bay store. The classroom was operated by the federal government. During that year, however, my Department constructed a new, modern two-classroom school and provided teacher accommodation as well as installing a diesel power plant at an approximate capital cost of \$85,000. Presumably the federal government assumed responsibility here on the basis that the majority of the population were of Indian status. Actually my Department is not usually responsible for an operation of this type off an Indian reserve.

At the present time, seventy-four children, ranging from kindergarten through Grade 8, are in attendance. Fifty of the children are Indians and twenty-four are non-Indians. Because of the growth in enrolment, a third, but very sub-standard classroom, has been rented through the Roman Catholic mission serving the community. It is projected that total enrolment will stabilize over the next five-year period with approximately seventy-five to eighty pupils and that the ratio of Indian to non-Indian pupils will move to about sixty per cent Indian status, forty per cent non-Indian status.

..... 2 ..

Mr. J.R. McCarthy

- 2 -

December 11, 1969

Costs for the Aroland school operation over the past years have been borne by the federal government to the extent of \$32,000 in 1968-69; \$37,000 in 1969-70; and an estimated \$67,000 for 1970-71. However, our District office in the Lakehead has been in touch with your Regional Office there and arrangements are being made for appropriate sharing of the costs based upon the ratio of Indian to non-Indian pupils.

Because of the progress we have enjoyed in extending the services of other provincial departments to the Aroland community, it seems to me increasingly inconsistent that the school operation remain a federal program. Just over a year ago, the Ontario Department of Social and Family Services agreed to provide welfare services to the community. The Department of Social and Family Services bill us at year end for a portion of the costs. In September of this year, the Honourable John Yarenko announced that electricity would be extended to this community and Ontario Hydro confirmed the commencement of service as of November 1st. At the present time, Mr. Yarenko's staff are giving high priority to the appointment of a Community Development Worker and I understand that the office of the Department of National Health and Welfare is considering, with the provincial Department of Health, the possibility of establishing health services under the provincial department.

As the Aroland school is not located on an Indian reserve, and as a large proportion of the pupils are non-Indians, can you please consider taking over the school. I suggest July 1970 would be an appropriate date. My Department is prepared to turn over the buildings to you without cost and we are prepared to pay you the proportion of the operating costs, (tuition, maintenance, administration, etc.) which reflects the proportion of Indian pupils in attendance. Future capital costs could be shared on the same basis.

I should be very happy to have Mr. Rodins meet with your officials to confirm the financial details if you can give this request favourable consideration.

Yours sincerely,

Original Signed by
J. G. McGILP

J.G. McGilp,
Regional Director.

McGILP/Jan

c.c. Regional Director - Ontario
Attention: Mr. H.B. Rodine

CONFIDENTIAL

OTTAWA 4, December 3, 1969.

DEPUTY MINISTER

Transfer of Indian Education
to Ontario Department of Education

At the invitation of Dr. J.R. McCarthy, Deputy Minister of Education, Ontario, headquarters and regional departmental officials held discussions last week on Indian education in Ontario with Dr. McCarthy and Mr. J.F. Kinlin, Assistant Deputy Minister of Education for Ontario. The meeting was called to explore possible areas of agreement for the transfer of the in-school education program to the Province and to formulate a tangible and feasible proposal which could be presented to Indian representatives for discussion early next year.

Previous discussions of a similar nature held in January, 1969, made no progress because of the prevailing political climate at that time. In fact, the Ontario Department of Education issued instructions to all school division boards prohibiting local negotiations with our officials until further notice.

At the outset of the meeting last week, Dr. McCarthy ruled out any possibility of reaching any general agreement with the Federal Government on transfer of education programs and clearly indicated that the reason for his position was the apprehension he had as a result of the withdrawal of federal support by the Department of Manpower for capital and operating expenditures of the vocational education program, which had occurred approximately three years ago.

Within the limitations imposed by this position, considerable progress was made and the following concrete results were achieved in the discussion:

- (1) He agreed to name one of his officials to work with the Education Branch to produce a draft agreement for presentation to school divisional boards (target date January 15, 1970).

*Mr. Rodine
This must be top priority
for the education program. We
must not under any circumstances,
let the smallest opportunity to
promote the transfer of school
to the Province pass by. For instance, when is
Dr. McCarthy going to announce the 2 division
officers in step (b) above. Can't we
produce a specific need
for their services?
2/12*

Deputy Minister

- 2 -

December 3, 1969.

- (2) He would not only withdraw his Department's opposition to transfer arrangements made by school boards but would actively encourage them to enter into such agreements and would free two of his officers for liaison in this work.
- (3) He was willing to consider, at the appropriate time, amendment to legislation allowing Indians to be electors and trustees on school division boards.
- (4) He expressed the opinion that we might proceed more quickly in the area of education than in some of the other Indian programs on which his government had not as yet taken a positive stand.

On the other hand, he expressed serious concern over the increasing costs of education in his province and the absolute necessity of ensuring that school boards were compensated for the total cost of providing services to Indians. In the absence of reaching an overall agreement which might have been more favourable financially to the Department, we can anticipate a higher cost connected with school transfer than we have budgeted. If the Federal Government can assume the actual costs, we do not foresee any real obstacles to making reasonably rapid progress in transfer of the federal school component to the jurisdiction of Ontario in the southern part of the province or in northern areas where established school divisional boards exist. We anticipate more delay in transferring isolated schools in northern Ontario because it will be necessary for Ontario to make some satisfactory arrangements for administering these schools, which do not at present exist. While Dr. McCarthy did not oppose the suggestion of taking over the isolated northern schools, it was quite apparent that he was not yet in a position to give it the priority that he could give to the southern component.

Dr. McCarthy indicated that only he and Mr. Kinlin in the Ontario Department of Education were being involved in these discussions and that any follow-up communication on this matter should be done by telephone.

Original signed by
"J.B. Bergevin"

J.B. Bergevin,
Assistant Deputy Minister,
(Indian and Eskimo Affairs).

c.c. Regional Director - Ontario
Attention: Mr. H.B. Rodine

29859 DEC 19 1969

H.B. Rodine

CONFIDENTIAL

OTTAWA 4, December 3, 1969.

DEPUTY MINISTER

1/44-1 (E.)

401/44-1

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"J.B. Bergevin"

J.B. Bergevin,
Assistant Deputy Minister,
(Indian and Eskimo Affairs).

Department of
Indian Affairs and
Northern Development



Ministère des
Affaires indiennes et
du Nord canadien
29211 DEC 5 1969

OTTAWA 4, December 5, 1969.

our file notre dossier 401/25-11(E.11)
your file votre dossier

Mr. H. B. Rodine,
Regional Superintendent of Education,
TORONTO, Ontario.

Re: Draft Agreement — Ontario School Divisions

Enclosed are three copies of the draft agreement which has been prepared as a result of our meeting with Dr. McCarthy last week. I would suggest that you read it through carefully first and if you are generally satisfied with the draft, you send one or more copies to Mr. Kinlin for study and suggest a date early in the new year when we might meet to discuss any adjustments that may seem necessary before we prepare a prototype agreement which will satisfy the Department of Education and, with a minimum of changes, the various boards with which we must negotiate.

I am of the opinion that when the agreement is in its final form we should conclude a new agreement with each of the larger boards which have taken over the responsibility for providing integrated education for Indian children by assuming a responsibility for the previous joint school agreements entered into with the numerous school boards which are now defunct. In other words, we shall have an entirely new set of agreements covering our joint school program.

D. W. Simpson,
Acting Director of Education.

c.c. Department of Indian Affairs and Northern Development, OTTAWA
Attn: Assistant Deputy Minister, Indian and Eskimo Affairs (In duplicate)
Attn: Acting Director, Education Branch
c.c. Superintendent, NAKINA INDIAN AGENCY
c.c. Superintendent-in-Charge, LAKEHEAD DISTRICT

Mr. J.R. McCarthy,
Deputy Minister,
Ontario Department of Education,
44 Eglinton Avenue West,
TORONTO 197, Ontario.

Toronto 295, December 11, 1969
489/6-1-020
c.c. 401/25-11-1

Dear Mr. McCarthy:

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At the present time, seventy-four children, ranging from kindergarten through Grade 8, are in attendance. Fifty of the children are Indians and twenty-four are non-Indians. Because of the growth in enrolment, a third, but very sub-standard classroom, has been rented through the Roman Catholic mission serving the community. It is projected that total enrolment will stabilise over the next five-year period with approximately seventy-five to eighty pupils and that the ratio of Indian to non-Indian pupils will move to about sixty per cent Indian status, forty per cent non-Indian status.

R. J.R. McCarthy

- 2 -

December 11, 1969

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As the Aroland school is not located on an Indian reserve, and as a large proportion of the pupils are non-Indians, can you please consider taking over the school. I suggest July 1970 would be an appropriate date. My Department is prepared to turn over the buildings to you without cost and we are prepared to pay you the proportion of the operating costs, (tuition, maintenance, administration, etc.) which reflects the proportion of Indian pupils in attendance. Future capital costs could be shared on the same basis.

I should be very happy to have Mr. Rodino meet with your officials to confirm the financial details if you can give this request favourable consideration.

Yours sincerely,

Original Signed by
J. G. McGILP

J.G. McGilp,
Regional Director.

McGILP/Jam

1849 Yonge Street,
Toronto 295, Ontario
November 25, 1969

J.R. McCarthy, M.A., B.Paed., LL.D.,
Deputy Minister,
Department of Education, Ontario,
44 Eglinton Avenue West,
Toronto 12, Ontario

401/25-11-1 (E)

Dear Dr. McCarthy:

This will confirm arrangements for our meeting on November 28th as agreed to in your office on November 17th. Mr. D.W. Simpson, A/Director of Education, and Mr. L. Waller, Chief Superintendent of Education, both of Headquarters' staff, Education Branch, will attend as well as Mr. W.D. Mills, Director of Communication and Consultations, also of Headquarters staff. Mr. J.G. McGilp, Regional Director, Ontario, and I will attend from our Toronto office.

At this meeting, we shall be pleased to learn of the developments within your Department that would form the basis for stepped-up transfer of the present federal jurisdiction of Indian education to your Department. You also stated you would like to review some hurdles that your Department must yet overcome to firm up a working policy.

From our point of view we should like to discuss with you in some detail the following points:-

- a) Basic principles in future education policy established by the June 25th Indian Policy statement;
- b) An examination of the pertinent legislation that must be considered to provide for a transfer of federal responsibility to the Province;

...

- 2 -

J.R. McCarthy, M.A., B.Paed., LL.D.,
Deputy Minister,
Ontario Department of Education

November 25, 1969

- c) The principles of a general agreement between Canada and Ontario under the following headings:-
- i) The basic principle of federal financial participation;
 - ii) Transfer of federal schools to provincial jurisdiction;
 - iii) Federal capital policy for required school construction (on or off reserves);
 - iv) Educational services applicable to Indian pupils as a result of transfer from federal to provincial JURISDICTION.

We look forward to meeting with you at your office at 9:00 a.m., Friday, November 28th.

Yours sincerely,

PERSONAL SECRET
BY
H.B. RODINE

H.B. Rodine,
Regional Superintendent of Education

RODINE/mjm

cc Director, Education
cc Director Technical Services
cc Dept / 12 - Lndm
files - 471/25-11

471/6-9
401/25-11-1

PA
on 401/25-11-1

Toronto 295, Ontario,
November 20, 1969

Mr. J.B. Bergevin,
Assistant Deputy Minister,
(Indian and Eskimo Affairs),
Department of Indian Affairs
and Northern Development,
OTTAWA, Ontario

471/6-1-7

471/6-1-012

Walpole Island School Construction

You will recall handing me a letter from the Director of Technical Services Branch addressed to the Department of Public Works when I was in your office on September 10. The letter concerned the construction of a six-classroom plus kindergarten school accommodation on the Walpole Island Reserve. I believe the following background information will be helpful to you.

The Walpole Island Band Council has been pressing for a centralized school well over the past half-decade. The growing enrolment in the community, together with the condition of existing scattered one-room schools, warranted their request if the standard of educational accommodation on the reserve was to keep pace with the surrounding community. Capital funds made available to the Region during this period have not been sufficient to meet requirements and, consequently, because of higher priorities, we advised the Band Council that construction priority in their area could not be envisaged before the 1971-72 construction year. Recent limits placed on our capital funds now indicate that we must project this construction period for no earlier than 1972-73.

Frustration to the Council through these setbacks has caused its members to examine every possible means of circumventing the Department's construction priority system. Means utilized were:-

- An appeal to their Member of Parliament and to Mr. Battle. The correspondence attached clearly concedes the inadequacy of the present school accommodation and assures federal funds for it. It does, however, confirm that the avenue for actual construction, that is, whether by the Band, or by a County Board, or by the Department, is yet under study.

- A public dinner and tour of the schools (November 28, 1968). The invitation list to this event was long, influential, and, to a considerable extent, the event successfully focused public opinion on the views of the Council. It was at this event that Mr. M.T. McCutcheon, M.P., read to the group a letter he had received from Mr. Battle and assured the Council that a school would be constructed.

- 2 -

Assistant Deputy Minister,
(Indian and Eskimo Affairs), Ottawa

20 November 69

- Finally, the engagement of an architect without the approval of the Department. The Council, however, did seek and obtain approval for this move after the presentation of preliminary drawings. The architect's plans are now being examined by the Director of Technical Services with regard to federal accommodation standards and with regard to meeting provincial Department of Education standards. I should mention here that the architect's preliminary drawings reflect the Band's desire to combine the school plant with certain community accommodations, such as a public library and gymnasium, with the Council sharing substantially in these costs.

Throughout these events, negotiations have been underway for well over a year between the Band Council, the Department of Indian Affairs and Northern Development (both in Ottawa and in Ontario), and the provincial Department of Education, and I want to assure you that throughout these negotiations, we have consciously held before the Band Council the merits of working through the Department of Education and the local County Board. To this end, we advised the Band Council to petition the Minister of Education to permit the Band to organize a school unit or board under the provisions of Section 12 of the Public Schools Act of Ontario. Progress in negotiations has been blocked, however, by the following means.

The Band has been most reluctant to follow our advice specifically, and rather, chose to write the Deputy Minister of Education inquiring of the possibility of forming a board under Section 12. The Deputy Minister of Education has informed the Council that in his opinion, it is not possible for the province at this time to become involved in the construction and operation of a school on the Reserve under Section 12 of the Public Schools Act or through an existing County Board. The Deputy Minister did say, however, that his Minister, the Honourable W. Davis, is anxious that educational services for the Indian people, when provided through the Ontario Department, do not develop on a piecemeal basis. For this reason, he feels special legislation must yet be passed in the Provincial House. In the meantime, he advised the Band to press forward with its construction in the hope future legislation would provide for the Walpole Island Band to join the local County Board, or, alternately, to develop a school board of its own.

In the light of these developments, a recommendation was prepared at Regional Office for Headquarters urging that every avenue be explored which would permit construction of a school plant in line with the needs of the community and the standards of the province, and yet within the existing avenues of our Department. On November 17, the Director of Education in writing to me appears to be giving approval to a federal building being constructed provided that clarification is given with respect to the financial contribution of the Band Council.

- 3 -

Assistant Deputy Minister,
(Indian and Eskimo Affairs), Ottawa

20 November 69

On November 20, a meeting was held at Regional Office with members of the Council, the architect, my staff, Mr. J. Francis of the Technical Services Branch, Ottawa, and Mr. P. McGillivray of the Education Branch, Ottawa, for the purpose of identifying areas requiring clarification.

I attended this meeting and expressed my appreciation to the Band for its approach to the Deputy Minister of Education for authority to operate its own school board, but I also expressed my concern that, since this approach, considerable time has passed, the new policy statement has been issued and studied, and the Department of Education, together with other provincial departments, had now commenced to examine its possible role in assuming responsibility in Indian education. I therefore urged the Council to follow up its inquiry to the Deputy Minister of Education with a Band Council Resolution requesting the Minister of Education, Ontario, to authorize the Band to organize as a school board on the Walpole Island Reserve under the provisions of the Public Schools Act.

On receipt of such a resolution, I would request you to advise our Minister to write to the Honourable W. Davis, Minister of Education, Ontario, requesting his approval of the Band's request. Members of the Council feared that to pass such a resolution would automatically slow down moves already underway for the planned construction, and it was only when I assured them planning could go on simultaneously with the approach to the Minister that I was able to obtain agreement by the Band Council for such a resolution.

I will be following this matter closely with the hope of providing a resolution to you shortly. At the same time, I will ask the Band Council to indicate, by Band Council Resolution, the funds which they propose to contribute to the building project, the manner of payment and source.

With regard to construction of the new bridge, I emphasized the responsibility the Band Council must bear to be certain that all parents share their views that Grade 4 and above students represent the extent to which students will move off the reserve into Wallaceburg. The Council re-affirmed their stand here indicating that the parents would solidly reject a plan to move pre-school to Grade 3 pupils off the reserve.

I will keep you informed as to developments.

ORIGINAL SIGNED
BY

H. B. RODINE

J.G. McGillp,
Regional Director

Encl:

RODINE/njm

Department of
Indian Affairs and
Northern Development



Ministère des
Affaires indiennes et
du Nord canadien

27915 NOV 20 1969

OTTAWA 4, November 17, 1969.

our file: notre dossier 401/25-11 (E.11)
your file: votre dossier

401/25-11-1

Mr. H. B. Rodine,
Regional Superintendent of Education,
TORONTO, Ontario.

Re: General Agreement Negotiations

I refer to the Shaw-Waller telephone communication of today in which I was advised of the meeting with Dr. McCarthy on November 28 at 9:00 a.m. Mr. Simpson has been delegated to attend the meeting by our Assistant Deputy Minister and I shall accompany him. Since the meeting has been arranged between you and Dr. McCarthy there is presumably no need for us to advise anyone else but yourself. I understand that Mr. McGilp will attend the meeting with Dr. Munro.

As soon as our travelling arrangements are firm I will advise you so that we can decide when and where we might meet with you in Toronto prior to the meeting with Dr. McCarthy to permit you to fill us in on the latest developments.

L.G.P. Waller,
Chief, Educational
Development Division.

FRIDAY, SEPTEMBER 12, 1969.

FROM:

DR. LIONEL ORLIKOW,
PLANNING AND PRIORITIES COMMITTEE
OF CABINET,
ROOM 346, LEGISLATIVE BUILDING,
WINNIPEG 1, MANITOBA.

PA 401/25-11-1
Gen Agreement
file
please
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001929

INDIANS -

SCHOOLBOARDS - VOTE

104

August 21, 1969

(MR. CLAYDON cont'd.) projects. It's more a matter of routine than anything else and we would therefore have no objection to it.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, would the Honourable Minister of Transportation permit a question?

MR. SPEAKER: the honourable member's question. The Honourable Minister will have an opportunity to close debate.

MR. SHERMAN: Well, Mr. Speaker, perhaps I'll reshape my position at this point. I won't ask a question but I would like to convey to the Honourable Minister of Transportation that I'm concerned at this point whether his attitude this afternoon reflects on his Party a wholesale discrimination towards the whole section of our community which is made up of horse thieves.

MR. SPEAKER put the question and after a voice vote declared the motion carried.

MR. SPEAKER: The Honourable Minister of Youth and Education.

MR. MILLER presented Bill No. 20, an Act to amend The Public Schools Act, for second reading.

MR. SPEAKER presented the motion.

MR. MILLER: Mr. Speaker, this Bill is going to make it possible for Indians to vote for and to sit on school boards in areas of Manitoba, those areas of Manitoba where an Indian reservation is included in the school division. Now this is achieved by altering the qualification from resident ratepayer, which still exists or is required in rural Manitoba, changing it from resident ratepayer to resident elector. Also, there is the matter of the machinery for setting this up. It would be through a board of reference, who on dealing with the petition from a council of an Indian band would then decide whether a ward should be created or whether this should become part of an existing ward so that they could fit into the division in the new boundaries of the division and could qualify to either stand for election and sit if elected.

This also provides authority for a school board to pay expenses of school trustees elect to attend meetings and seminars - and I'm told that the Manitoba Association of School Trustees had already planned a seminar for newly elected trustees for late this fall, I believe it's November or early December, I'm not sure which - in order to acquaint trustees who are coming in for the first time, acquaint them with their jobs, the problems they may have to face, and generally to make known to them the work that they are going to have to deal with as trustees, and as the work of trustees becomes more and more complex I think this is certainly a step in the right direction.

So those basically are the amendments in this Act, or the changes in this Act. They're quite clear. If there are any questions perhaps I would hear from members on this.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, Bill No. 20 looks quite familiar and we've looked at it before as one of the bills that was before the House before, although I don't think this one was distributed before. Our Party has spent a good deal of time looking at this and is in favour of this Bill and was prepared to make the move at an earlier date, and I don't anticipate that there are any changes in the Bill from that time.

I'm sure the Honourable Member for Inkster would also like to make his contribution to this, although I think he'll find his position as well as mine well documented in last spring's Hansard. This pretty well gives our position. I think I said at the time that I thought it was an altruistic move to do this. I think it's a very necessary one. I think that it's not going to be without some local difficulties in the interim period in which it becomes accepted by the various local communities. However, it's a right move and I certainly would support this completely as far as the representation of the treaty Indians on school boards are concerned.

As far as the second part is concerned with the school board covering their incidental costs for seminars and so on, I think we've for some time now been aware of the necessity for school boards to involve themselves in more seminars pertaining to the responsibilities which they undertake when they become a school board member, and this will not be in any way an expensive item but it's one that is very necessary. So our endorsement is here for Bill No. 20.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Speaker, I also have to concur with my colleague from Riel. I think that this is a move that the Indian people will welcome. I for one have an Indian Band in

August 21, 1969

105

(MR. GRAHAM cont'd.) my constituency who in the past several years have had their children going to school in the Pelly Trail School Division. They have had no representation on that board and the fact that now they will be able to I'm sure is a most welcome step.

There is one other point though that concerns me. The question we're dealing with now is the Public Schools Act but there's also the question of the Municipal Act - this embraces a wider field - and this is the eligibility of a resident elector rather than a ratepayer, and if we are going to give this privilege to a resident elector in a school matter, I would be quite concerned about the stand that the government is going to take. Are they going to broaden this field to the municipal field as well, because this is a question that many people are quite concerned about. I raise this now not as a criticism of this Bill whatsoever, but there is a question which covers a larger field than this Bill itself encompasses.

MR. SPEAKER: The Honourable the Minister of Health and Social Services.

MR. GREEN: Mr. Speaker, I'm happy to rise on an occasion when there is such general agreement in the House. That's very encouraging. I am sure there will be the other as well, which is certainly what will make for good government, and I would never certainly be one who would want to find agreement on everything as my honourable friend well knows.

Mr. Speaker, I merely rise at this time because the original principle resolution on which this Bill is based was put forth in my name at the legislative session last year, and at that time I was very very pleased indeed to find that it met with the approval of all members of the House and I was even pleased to have thought that it would be passed by the then administration, which indicates the feeling that I had for the Bill. I was happy to know that it would be passed by that administration. Mr. Speaker, needless to say I'm happier still to know that it's ultimately going to be passed by this administration.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Speaker, I rise in complete support of the Bill and to approve giving what is an obvious right to me to the Indian people to sit on school boards. I want to point out though, Mr. Speaker, that to be effective the Minister is going to have to do some major revisions of the school district boundaries in the Province of Manitoba, because it's all well and fine to put this on the statute books, but at the moment a very large part of our Indian population is in the Frontier School Division and that division is not in a true sense a school division. It is really government administration; it is not a self-administered school division. And this does not apply only to the very far north - and I know the problems of the north, the distances involved and the difficulties - but the facts are the Frontier School Division stretches very far south, including areas that could very well be included in other school divisions, and at the moment the students from those Indian reservations are in a sense segregated by being sent to the Frontier School.

Many years ago in this House I urged the then Minister of Education to push towards a much greater integration of our school system with the Federal Government; get the Indian students, where they were prepared to do so, attending the regular schools in their vicinity. It seems to me that one of the problems in Manitoba has been that even in the southern areas the reserves really have been segregated and that in many cases the white community next door to an Indian reservation had its school and the Indian reservation had a separate school, and that we would have gone on much further in understanding between both groups had the students been in school together.

And so I urge the Minister, I encourage him, I compliment him for the Bill, but I urge him as well to have a very close review of the boundaries of the school divisions insofar as the Indian reservations are concerned, to consult with the Indian people and to see where arrangements can be made to integrate the school system and not proceed with segregation.

MR. SPEAKER: Are you ready for the question? The Honourable the Minister of Youth and Education.

MR. MILLER: Mr. Speaker, I want to commend the member for Ste. Rose for his comments. I can assure him that the matter he brought to my attention will be looked into. This government will attempt through consultation, through meeting with the people concerned, to try to hurry the day when we can eliminate the type of segregation that existed in Manitoba all these years, and not just Manitoba but generally in Canada, and I can assure him that we will act on this as quickly as we can. We need of course the support and the co-operation of the Federal Government. Hopefully, we will be in touch with them, they will co-operate, and in the final analysis if the people involved, that is the Indians living on the reserves, wish to

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401/25-1

c.c. Mr. H.B. Rodine,
Regional School Superintendent,
Toronto 7, Ontario

(stamped No: 134991,
received Jun 4 69)

The Honourable William G. Davis, Q.C.,
Minister of Education,
44 Eglinton Avenue West,
Toronto, Ontario

Dear Mr. Davis:

The purpose of this letter is to review briefly the significant aspects of the negotiations that have emerged from the various, recent meetings between officials of our two Departments and the pronouncements that have been made on the subject of Indian education in Ontario, in order that we may advance towards goals on which there appears to be general agreement on the part of all concerned.

We are apprehensive about the ability of the present dual system of federal and provincial schools to provide adequately for the educational needs of Indian boys and girls. In spite of the large sums of money that are invested in education for Indian children and the efforts of our combined, professional field staff, the results in terms of high school graduates, professionally and technically trained students, and an informed, employable Indian population are disappointing to the Indian people and to those directly involved in the program.

There are many encouraging signs of readiness on the part of your government to assume responsibility for providing educational services for all Indian pupils in Ontario, amongst which are: the recent discussion in the Legislature on this subject reviewed by the press; the active interest of O.I.S.E. in research into the special teacher training, curricula and classroom methods demanded by Indian children, together with offers by Ontario universities to provide special courses for Indian students. Equally encouraging are the requests from Indian reserves that their schools be incorporated in the larger school units recently organized in your province. They are now awaiting acceptance.

I wish to refer specifically to the application of the Walpole Island Reserve to become a school unit under provincial legislation, because the Band Council has demonstrated a responsible attitude towards local government which should be recognized and supported. The Band Council has shown remarkable understanding in their approach to officials of your Department and to us, and I would hope that their efforts will be rewarded and that their aspirations towards self-determination and self-direction will not be denied.

If further meetings between senior officials of our two Departments are required to review the situation, we shall be pleased to accommodate you. The Indian people are impatient for answers to some questions which can only be answered by the joint action of our two governments.

Your comments would be greatly appreciated.

Yours sincerely,

Jean Chrétien.

(WALLER/rb)
May 12, 1969

c.c. Mr. H. B. Rodine,
Regional School Superintendent,
TORONTO 7, Ontario.

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177 on agreement

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cc 401/25-11-1

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Minister of Education,
44 Eglinton Avenue West,
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R. H. Harseen

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Your comments would be greatly appreciated.

Yours sincerely,

WALLER/rb
May 12, 1969.

Jean Chrétien.

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Assistant Regional Director of Education,
Toronto.

421/25-11-474-7

District School Superintendent,
Georgian Bay.

April 29, 1969.

School Board Appointment

This is to advise that Mrs. Shirley Sahanatien, Gibson Band has been officially appointed and sworn in as a member of the Muskoka Board of Education.

Attached is a band council resolution expressing their approval for this appointment.

ORIGINAL SIGNED BY
G. A. MULLIN

G.A. Mullin.

GAM/bh

Attachment .

COPY OF RESOLUTION PLACED
ON RESOLUTION BINDER *M*

*Forwarded H2
file - 421/25-11-2
May 16/69 with memo.*



DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

BAND COUNCIL RESOLUTION

Chronological No.

2

H.Q. Reference

474/25-11-9

NOTE: The words "From our Band Funds" must appear in all resolutions requesting expenditures from Band Funds.

COUNCIL OF THE	INDIAN	BAND	FOR HEADQUARTERS USE ONLY
AGENCY	PARTI FOND		
PROVINCE	QUEBEC		
PLACE	GIBSON LAKE		
DATE	First April 69	AD 19 69	
	DAY	MONTH	YEAR

DO HEREBY RESOLVE:

Motion no. 2.

That the Gibson band council is in favour of having a representative from the band appointed to the Quebec Board of Education and to recommend Mrs. Shirley Sahanatien as our representative.

CARRIED

(Certified true copy)

Sid Commandant

(Chief)

William Rennie

(Councillor)

(Councillor)

(Councillor)

Sarah Sahanatien

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

(Councillor)

FOR HEADQUARTERS USE ONLY					
1. TRUST ACCT	2. CURRENT BALANCES		3. Expenditure	4. Authority Indian Act Sec.	5. Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
	A. Capital	B. Revenue			
6. Recommended			7. Approved		
Date			Date		
Authorized Officer			Assistant Deputy Minister,		

THE TELEGRAM, Toronto, Tues., May 6, 1969 35

Ontario Indian education offer to Ottawa

Premier John Robarts said yesterday Ontario would be willing to take over the responsibility for educating the province's Indians if the Federal Government is willing to help pay for it.

The Premier was answering questions in the Legislature from New Democratic Party leader Donald MacDonald, who wanted to know if Ontario church groups were backing out of educational programs for Indians as they are in Western Canada.

Premier Robarts replied that he knew nothing of that situation because the church groups negotiate all their agreements directly with the Federal Government and Ontario isn't informed of what's going on.

Mr. MacDonald then

asked if the Premier didn't feel this was an appropriate time to take over the Indian educational problem from the Federal Government.

"I would say yes," the

Premier replied.

"We are quite prepared to do this, but the whole point really is the Federal Government, in many cases, is trying to avoid its

financial liability in various areas of dealing with the Indians and this is where the rub will eventually come.

"We are prepared to take

them into our educational system, but we see no reason why we should assume what is constitutionally the financial responsibility of the Federal Government."

PA
Please
on
401/25-11-1
Jen. Agnew
m.

Mr. Walter Currie,
Assistant Superintendent,
Ontario Department of Education,
44 Eglinton Avenue West,
Toronto 12, Ontario

1849 Yonge Street,
Toronto 7, Ontario

401/25-11-1 (E 4)

April 25, 1969

Dear Mr. Currie:

As you requested in our telephone conversation yesterday, I am pleased to forward you a list of Indian people appointed to school boards in Ontario previous to January 1, 1969, and a list of Indian Band Representatives appointed to school boards at the present time.

Yours very truly,

H. B. Rodine

H.B. Rodine,
Assistant Regional Director,
Education

Encl:
mjm

HB Rodikree

✓ PAF
401/25-11-1 (E 4)

mjm

21 April 69

Telephone call to Mr. Devenish re Sarnia Meeting of April 22

As you requested, I telephoned Mr. Devenish for the following information:

Chief Fred Plain of Chippewas of Sarnia Band extended the invitation to you. He specifically asked Mr. Devenish to do his best to have you attend this meeting.

To Mr. Devenish's knowledge there are no provincial (i.e. Ontario Dept.) officials attending the meeting. But he cannot state there won't be. Representatives of Indian Eskimo Association, Union of Ontario Indians, and trustees of both boards (Kent County and Lambton, I believe) will be there.

Mr. Devenish cannot really say what your role would be. He believes that it is an extremely sensitive situation. He believes that Chief Plain would look to you to support his stand that the Indian people have a right to representation on these Boards in keeping with Bill No. 137. Mr. Devenish believes your role would be played by ear.

Incidentally Mr. Devenish himself would very much like you to be in attendance.

M. MacNeill

H.B. Rodine

✓ PA-
401/25-11-1 (E 4)

mjm

17 April 69

telephone message from C.C. Devenish, London - 11:15 a.m.

A meeting has been called for next Tuesday evening, April 22, 8 pm at the Sarnia Council Hall. The Chippewa Band Council is calling an open meeting to discuss the Indian request for representation on the Lambton County Board and the Kent County Board (2 Boards). They have invited Indians from the four reserves involved (Walpole Island, Moravian, Sarnia, Kettle Point) trustees from both Boards, representatives from Union of Ontario Indians and Indian Eskimo Association.

The purpose of the meeting is to hash out the matter of Indian representation on these school boards. Apparently a request placed to these boards for such representation has been refused. Instead the boards want to set up Advisory Committee on Indian Education and are quite willing that Indian representatives should be on this committee but not on the boards. The Indian people are not happy about the whole situation -- they want voting membership on the boards as provided by the Act.

Mr. Devenish wanted you to know about the meeting in as much time as possible. He feels it will be a difficult meeting and situation. I asked on your behalf what Mr. Devenish himself, knowing the situation in all details, would advise. He said he would particularly like for you or someone of equal status, to be present at the meeting. He feels the matter involves a matter which may be beyond his jurisdiction.

Mr. Devenish will be in his office until noon and then again to-morrow. He said it wasn't as important for you to call him as it was that you be aware of developments. Mr. Devenish personally feels that the Indian people should be represented on the Committee and on the boards as well.

NJM

Mr. Rodine: Knowing that Mr. McGilp's time was limited to-day, I didn't have the call transferred in the event the call would deny you time on a matter of equal importance. Therefore, I delayed the call hoping that your meeting would be over before 11:45 am.

NOTE: HER CALLED DEVENISH AT 11.45 a.m.



MEMORANDUM

CLASSIFICATION

TO
A

ALL SCHOOL SUPERINTENDENTS **FOR INFORMATION ONLY**

PPA/le... on 401/25-11-1
YOUR FILE No.
Votre dossier

OUR FILE No. 1/25-1 (E.3)
Notre dossier

*Copy on file
401/1-16 E also*

FROM
De

Director, Education Branch.

DATE April 17, 1969.

FOLD

SUBJECT
Sujet

Liaison Provincial Departments of Education

EDUCATION DIVISION LETTER NO. 53

During the last two years, there has been a rapidly accelerating change in the policy as well as the procedures of the Education Branch. Many of these changes are directly related to the increased participation of provincial departments of education in the education of Indian pupils.

There is an increasing concern among provincial educators that they are not sufficiently informed about this Branch's policy in particular and about the problems of Indian education in general. Under the circumstances it would appear reasonable for the Branch to keep provincial educators informed on our policies and procedures, and to provide any additional information that is prepared for circulation. We would be happy to send information such as that provided through our Education Letters to appropriate officials in the provincial department of education if such a procedure will facilitate our communications with provincial governments.

It is frequently the practice to designate one person to act as the liaison officer between the education department and the Education Branch of Indian Affairs and Northern Development. In such cases providing the information to one person will, in fact, ensure that a channel of communication has been established. Would you please discuss this proposal with department of education officials in your region and forward the name(s) and address(es) of the official liaison officer(s). We will provide them with copies of current Education Letters and will place their names on our mailing list.

I would appreciate your comments on this proposal, please.

R. F. Davey
R. F. Davey.

MEMORANDUM

CLASSIFICATION



TO
A

ALL SCHOOL SUPERINTENDENTS

YOUR FILE No.
Votre dossier

OUR FILE No. 1/25-1 (E.3)
Notre dossier

FROM
De

Director, Education Branch.

DATE April 17, 1969.

FOLD

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Sujet

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I would appreciate your comments on this proposal, please.


R. F. Davey.

MEMORANDUM

Indian Affairs and Northern Development, Ottawa
To: Mr. L. Waller, Chief Supt. of Schools

401 25-11-1
CLASSIFICATION Agam.

YOUR FILE No.
Votre dossier

436/25-1 (E.10)

OUR FILE No.
Notre dossier

471/6-1-7 (E)

DATE

24 March 1969

FROM Superintendent of Schools, Toronto
De

FOLD

SUBJECT Walpole Island Schools
Sujet

Simultaneous to receiving a copy of your March 19 letter to Walpole Island Band Council, I received a return telephone call from Dr. McCarthy in which I discussed with him any progress his Department may have made since our talks on January 31. I immediately reported the gist of our conversation to you and confirm as follows.

Dr. McCarthy indicated he had conversed on these matters, particularly the legislation, with Mr. Davis. He indicated his Department was still very interested in the matters pertaining to the education of Indian children, however, with the current pressures in the House coupled with the general load on Dr. McCarthy's staff due to the new County System and resultant diminishing of Toronto-based personnel, he does not envisage the ability to deal with our proposals properly and in detail for a period of three to four months.

I questioned Dr. McCarthy as to whether he felt some action might be taken to facilitate school construction under his Department at Walpole Island. He stressed that Mr. Davis is most anxious that the relationship with Indian Affairs not be undertaken on a piecemeal or rush basis and, consequently, he advises that our Department ought to proceed to meet Walpole Island needs in the best possible manner, keeping in mind that legislation will eventually provide for Walpole's joining the local county or undertaking a interim school board operation on their own.

Being aware of the capabilities of the Walpole Band Council, I would recommend that we should first study every possible means by which capital grants can be made to the Council to permit it to proceed as a responsible authority able to engage its own architect and contractor. Failing this, it seems clear that their proposed construction is sufficiently large to exceed being undertaken by our Engineering Section. It would, therefore, seem the next avenue would be through the Department of Public Works.

May I have your reaction and views, please.

H. B. RODINE
H.B. Rodine

HER:mjm

c.c. District School Superintendent, London CONFIDENTIAL



send this message subject to the terms on back
dépêchez à exp. aux conditions énoncées au verso

7 March 1969

9:00 a.m.

Mr. J. Slobodzian,
Regional Superintendent of Schools,
Indian Affairs Branch,
Room 301, Midtown Bldg.,
267 Edmonton Street,
Winnipeg 1, Manitoba

PA m
401/25-11-1

PLANNED MEETING WITH THE ASSISTANT DEPUTY MINISTER RE NORTHERN BOARD

POSTPONED STOP WILL CONTACT FOR NEW ARRANGEMENT

H.B. RODINE
REGIONAL SUPERINTENDENT OF SCHOOLS,
TORONTO.

file

CONFIRMATION SENT:

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charge account no. numéro du compte	3-100-76605			
cash number numéro de caisse				
sender's name for reference only nom de l'expéditeur pour référence seulement				
address and telephone adresse, téléphone				
487-4651				

H.B. Rodine, 1849 Yonge St. Toronto 7, Ont.

c.c. Mr. H. B. Rodine,
Regional School Superintendent,
TORONTO 7, Ontario.

OTTAWA 4, February 7, 1969.

401/25-1

Dr. J. R. McCarthy,
Deputy Minister,
Department of Education,
Toronto, Ontario.

Dear Dr. McCarthy:

As agreed at our recent meeting in Toronto I am sending you study material on general and joint school agreements, together with a draft agreement between Canada and Ontario, which may be used as the basis for discussion and negotiation.

The general agreement with New Brunswick is in its second year, whereas those with Manitoba and British Columbia have been operative for a number of years and both have been revised. The British Columbia agreement is in the process of further revision at this time. The Wallaceburg agreements are included at your request in connection with discussions on the Walpole Island proposals. The Moose Factory agreement, commented upon at the meeting, appears to be a hindrance to the development of the powers of the Board under provincial legislation and could be revoked under the terms of a general agreement.

The draft agreement between Canada and Ontario attempts to provide for emerging situations under legislation which will not only permit Indian children to attend provincial schools but will also take into consideration the transfer of federal schools to local school boards and the establishment of school units on reserves. The initial stage of the integration program, during which we were chiefly concerned with the introduction of the principle of integrated education to Indian and non-Indian communities has been completed now that over fifty per cent of the Indian school population is enrolled in provincial schools. During the next stage of the project, we should concern ourselves with the problems that have been generated during the initial stage and plan for the growth of educational services for the Indians under provincial, rather than federal administration.

.... 2

We therefore need an agreement between our two governments which will establish the line of communication between this Department and the Ontario Department of Education on matters of inter-governmental concern with respect to educational services for Indian pupils, leaving the responsibility for the organisation and administration of schools in the hands of local school boards, responsible to parents, including Indian parents. The program is already headed in this direction, but the role of this Department is still ambiguous. The general agreement would clarify our roles and place your Department in a position to give leadership to the development of a program for which you are gradually assuming greater responsibility.

In negotiating the financial participation of the federal government in this program of education for Indian pupils, we believe that consideration must be given to the educational needs of Indian children. The payment of a tuition fee by the federal government to the local school board tends to perpetuate and substantiate the conception of the Indian as a ward of the federal government. It admits the Indian child to a public school but does not necessarily guarantee that the individual needs of the child will be met. We are, therefore, hopeful that a formula can be found by which funds can be provided for effective educational programs for Indian children which will fulfil the developing needs of those people.

Officials of our Education Branch are prepared to meet with members of your staff to discuss the details of the enclosed draft agreement at any time.

Yours sincerely,

WALLER/rb
February 7, 1969.

R. F. Battlo,
Assistant Deputy Minister,
(Social Affairs).

FIRST DRAFT FEBRUARY 1969

MEMORANDUM OF AGREEMENT made this

DAY OF

1969 A.D.

BETWEEN:

HER MAJESTY THE QUEEN in right of Canada
represented herein by the Minister of
Indian Affairs and Northern Development,
hereinafter referred to as "CANADA".

OF THE FIRST PART

AND

HER MAJESTY THE QUEEN in right of the
Province of Ontario as represented
herein by the Minister of Education,
hereinafter referred to as "the PROVINCE".

OF THE SECOND PART

WHEREAS it is desirable that Indian children residing in the Province of Ontario be provided with education in accordance with applicable provincial legislation, regulations, orders, and instructions governing education in the said Province;

AND WHEREAS it is desirable that there be an Agreement made between the Government of Canada and the Government of the Province of Ontario providing for the payment by the Government of Canada of certain operating and capital expenses necessarily incurred in providing education for Indian children in accordance with the provisions of the Public Schools Act, as amended;

AND WHEREAS paragraph (d) of subsection (1) of section 113 of the Indian Act provides that the Governor in Council may authorize the Government of Canada, in accordance with the said Act, to enter into Agreements with the PROVINCE on behalf of Her Majesty for the education in accordance with the said Act of Indian children;

AND WHEREAS by Order in Council P.C. 1958-8/1578 dated 20 November 1958, the Government of Canada is authorized to enter into Agreements with the authorities referred to in section 113(1) of the Indian Act for the education of Indians:

AND WHEREAS subsection of section of The School Act of Ontario provides that the Minister of Education may enter into an Agreement with the Government of Canada respecting the education of Indian children;

- 2 -

AND WHEREAS the PROVINCE wishes to collaborate with the Indian people and CANADA to provide educational services to meet the needs of all Indian children resident in the PROVINCE.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that the parties hereto hereby covenant and agree each with the other as follows:

1. In this Agreement,

- (a) "Indian Act" means the Indian Act, Revised Statutes of Canada, 1952, Chapter 149, as amended;
- (b) "School Act" means The School Act, Revised Statutes of Ontario;
- (c) "Operating Expenses" means certain annual expenses incurred in respect of the administration, operation, and maintenance of all public schools within the Province of Ontario and includes the cost of transportation and all other auxiliary services normally provided in the respective School Districts in all respects as defined in the "Public Schools Act";
- (d) "Capital Costs" shall mean certain capital expenditures made with respect to each specific project undertaken for the benefit of Indian and other pupils;
- (e) Unless the context otherwise requires, in this Agreement:
 - "Indian children" means the children who are Indians as defined in the "Indian Act" of Canada and who ordinarily reside on a reserve or on lands belonging to Her Majesty in the right of Canada or a Province, and whose phase of education is Grade 1 to 12 inclusive, and kindergarten to Grade 13 if the latter is provided in the school at which the Indian children attend;
- (f) "Residence" means the place of residence of the parents of Indian children, or in the case of children not residing with

.... 3

- 3 -

their parents, any dormitory, foster home, or other lodging provided for Indian children by CANADA at its own expense;

(g) "Fiscal year" means the period between 1 April in any year and the next following 31 March;

(h) "School year" has the meaning given to that term in The School Act;

(i) "Education services" means the total school program designed to meet the individual needs of each Indian child including, where applicable, such items as school supplies, guidance, educational research, public health, intercultural teacher education, school attendance, lunches, supervision, and transportation.

2. The PROVINCE shall have complete and exclusive jurisdiction over the administration, control and operation of all schools in which Indian children are enrolled under terms of this Agreement, including the employment and supervision of teaching personnel and all matters relating to the curriculum, methods of instruction and material used for instruction in such schools, it being understood and agreed that the exercise of such jurisdiction by any Board of School Trustees established pursuant to the Public Schools Act of Ontario in respect of any such school shall, as between the parties hereto, be deemed to be the exercise of jurisdiction by the PROVINCE.
3. Notwithstanding section 2 above, the purpose of this Agreement is to achieve the maximum opportunity for Indian students, and to accomplish this purpose a sustained liaison will be maintained between CANADA, the PROVINCE, and Indian representatives so that a continuous review of school programs may be made.
4. All Indian children shall be eligible to be enrolled in elementary and secondary public schools in the School Districts in which they are

- 4 -

domiciled, including public schools established on Indian reserves, on the same terms and conditions as non-Indian children and shall be provided with education in accordance with applicable legislation, regulations, orders, and instructions governing the education in the Province of Ontario.

5. CANADA shall pay to the PROVINCE an annual grant in lieu of taxes or conditional grant determined in accordance with the terms of this Agreement for services provided for Indian pupils in attendance in the elementary and secondary public schools in the Province of Ontario, and:
 - (a) attendance of an Indian child during the month of October shall be deemed to be enrolment for the whole of that school year;
 - (b) the said grant in lieu of taxes or conditional grant shall be paid by Canada March 31 to June 30;
 - (c) the amount of the grant in lieu of taxes payable by CANADA and applicable to the following school year shall be determined by negotiations during the period January to June in each calendar year and shall constitute CANADA'S total financial responsibility for the education of registered Indian pupils who are in attendance in schools within the Province, operated under the general direction and supervision of the Minister of Education of the Province.
6. CANADA may, at her discretion, provide through the Band Councils concerned additional services for registered Indian pupils enrolled in public schools not offered to other pupils by the PROVINCE.
7. Where the Board of School Trustees of any School District agrees to assume the administration, operation, and maintenance of a school building owned

- 5 -

by CANADA, each such assumption of administration, operation, and maintenance shall be subject as to the terms thereof, to a separate Memorandum of Agreement between the parties hereto, as to the effective date thereof and in consideration of the payment of the sum of \$1.00 (one dollar) every school building shall be leased to the Board of School Trustees for such period of time as the Board may require the school building for the accommodation of children within the School District. Nothing in this clause shall be construed as a mandatory requirement that any Board of School Trustees shall assume the administration, operation, and maintenance of a school building owned by CANADA if in the opinion of the PROVINCE the Indian children enrolled in such school building by CANADA should be enrolled for attendance in a school or schools by that Board of School Trustees.

8. Where, as a result of Indian children being enrolled for attendance in an elementary school or for attendance in a secondary school in any School District in accordance with the terms of this Agreement, teachers, as defined in the Public Schools Act, in the employ of CANADA are deprived of such employment, wherever feasible and practical, such teachers shall be employed by the Board of School Trustees of that School District, or alternately by the Board of School Trustees of any other School District.
9. The coming into force of this Agreement shall supersede any agreement or arrangement entered into between CANADA and any Board of School Trustees of any School District in the Province of Ontario or the PROVINCE, jointly or severally, covering the provisions of education for Indian children and CANADA shall, under the terms thereof, forthwith terminate any such agreement or arrangement, other than an agreement or arrangement with regard to capital expenditures
10. (a) This Agreement shall come into force on the 1 day of September 1969 and shall terminate on 30 June 1972 subject always to being renewed for a further period of three years upon the parties mutually agree-

- 6 -

ing in writing not less than one month prior to the expiration date for this Agreement, such renewal, if made, to be subject to such alterations and amendments that the parties in their written renewal may therein agree.

- (b) For this purpose the written notice shall be sent to
CANADA to

Assistant Deputy Minister,
Social Affairs Program,
Department of Indian Affairs and Northern Development,
Centennial Towers,
Ottawa 4, Ontario.

and to the PROVINCE to

Deputy Minister,
Department of Education,
Province of Ontario,
Toronto, Ontario.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and
seals this day of A.D. 1969.

Signed, sealed and delivered)
on behalf of the Government of)
Canada, in the presence of:)

DEPARTMENT OF INDIAN AFFAIRS
AND NORTHERN DEVELOPMENT

Witness

Assistant Deputy Minister,
(Social Affairs Program)

Signed, sealed and delivered)
on behalf of the Government of)
Ontario, in the presence of:)

DEPARTMENT OF EDUCATION
PROVINCE OF ONTARIO

THIS COPY FOR

MR. H. B. RODINE

PA and
401/25-11-1

30th December, 1968.

Dear Mr. Kennedy:

I have your letter of 2nd December, 1968, with which you enclosed a copy of a letter addressed to Mr. H. B. Rodine, Regional Superintendent of Indian Schools, Indian Affairs Branch, by Mr. G. A. Snider, Superintendent of Public Schools, West Parry Sound Public School Board, under date of 3rd October, 1968, regarding the possibility of the Board assuming administration of the schools in that area presently under the jurisdiction of the Department of Indian Affairs and Northern Development.

There are a number of matters of a policy nature in this proposal that can only be resolved through discussions between the Ontario Department of Education and the Department of Indian Affairs and Northern Development. Others have to do with the legal authority of the Board to assume such responsibility and with the bases of financing. The matter has been discussed by Dr. J. R. McCarthy, Deputy Minister of Education, with Mr. Rodine and with Mr. Snider. It has been agreed that no further action will be taken until discussions can be held between officials of the two senior levels of Government.

A copy of this letter is being sent to each of Mr. Rodine and Mr. Snider for their information.

Yours sincerely,

G. E. Seguin,
Assistant Superintendent.

Mr. J. H. Kennedy,
Regional Director of Education,
Ontario Department of Education,
240 Algonquin Avenue,
NORTH BAY, Ontario.

See Agreement & file

PA
R

MEMORANDUM

CLASSIFICATION
CONFIDENTIAL



TO
A

Mr. G. Closs,
District School Superintendent,
Indian Affairs & Northern Development,
Box 130,
Manitowaning, Ontario

YOUR FILE No.
Votre dossier

OUR FILE No.
Notre dossier

441/25-11 (E)

DATE

4 February 1969

FROM
De

Superintendent of Schools, Toronto

FOLD

SUBJECT
Sujet

Possible County Administration of Birch Island

When Chief Nahequahbow visited me to-day on other matter, I took the opportunity of discussing the extension of self-government and band involvement to point out to him the steps that Walpole Island Council is taking to have their school system administered through the County Board. This step is also being taken in the Parry Sound area where the four bands have elected to come into the County Board, and all schools concerned and all education matters concerned will be dealt with by the County. In each case, the Department would make the school costs payable to the Band, who, in turn, would deal with the County.

I reviewed with the Chief the many advantages to this arrangement. The main advantage is that the Department of Education is hopeful of having new legislation provided that would permit this type of administration and would extend to the Indian community full voting rights in school board elections. Also Birch Island School would, through this arrangement, qualify the same as any other school in the system for professional, audio-visual, and any other special services. The Chief was most enthusiastic concerning this and indicated he wanted to look into it.

I am thoroughly convinced that this is the direction in which Indian communities must move where schooling is provided on the reserve if the Indian children are to obtain a standard of education comparable to that of the county children.

While from this letter, I do not believe you should take action, I believe it would be helpful for you to know of our discussions and I have asked the Chief to feel free to use your office or mine as he makes inquiries. I would be most anxious to see a community like Birch Island in your district make this first important move.

H. B. RODINE
H.B. Rodine

HRB:mjm

Mr. P. Isaac,
Band Administrator,
Walpole Island Band,
R.R. # 3,
Wallaceburg, Ontario

1849 Yonge Street,
Toronto 7, Ontario.

MAIL TO → 401/25-11-1 (E)

February 3, 1969

Dear Mr. Isaac:

It would be appreciated if you would bring to the attention of the Chief, the Band Council, and the members of the School Committee of Walpole Island this brief report on the meeting held last Friday between departmental officials including Mr. R.F. Battle and Dr. J.R. McCarthy, at which general policy respecting the education of Indian children in Ontario was reviewed. Some time was given to the discussion of the educational needs of your community, with particular reference to the views expressed by the Walpole Island delegation which met earlier with Dr. McCarthy.

Those attending the meeting were conscious of your desire to have the school services for your community brought up to proper standards as soon as possible. It was agreed that this could best be done through the organization of provincial school services, which, of course, would mean working out an agreement with the appropriate County board of education.

Before this can be done, it will be necessary to provide appropriate legislation which would permit the local school board to negotiate with your Band Council on the best method of establishing these services. Dr. McCarthy is looking into this now with the objective of having the legislation introduced at the current session. If this can be achieved, it should then be possible to get on with the job of improving the standard of school services for the people of your Reserve.

I will be in touch with you immediately there are further developments on this matter.

Yours sincerely,

H.B. Rodine,
Superintendent of Indian Schools,
Ontario Region

c.c. Dr. J.R. McCarthy, Ontario Dept. of
Education

c.c. District School Superintendent, London

c.c. Indian Affairs & Northern Development, Ottawa, Attn: Mr. L. Waller, Education (E.10)

clc. file 477/25-1 477/6-9

THIS COPY FOR

MR. H. RODINE

01769 JAN 28 1969

44 Eglinton Avenue West,
Toronto 12, Ontario.
24th January, 1969.

401/25-11-1

Dear Mr. Battle:

I have your letter of 13th January, 1969, in which you indicate that you will be able to meet with me in my office in Toronto on 29th January, 1969, at 9:30 a.m. I shall look forward to seeing you and your colleagues at that time. I have just confirmed this arrangement with your Secretary by telephone.

It would seem to me that since we will be discussing the general principles involved, it would be appropriate to confine our discussions to those matters at the present time. Consequently, I would not anticipate holding other discussions at present.

I trust the above arrangements are satisfactory to you.

Yours sincerely,

J. R. McCarthy,
Deputy Minister of Education.

Mr. R. F. Battle,
Assistant Deputy Minister,
(Social Affairs),
Department of Indian Affairs
and Northern Development,
OTTAWA 4, Ontario.

JRM:mt

01703 JAN 27 69

THIS COPY FOR →

MR. H. RODINE

44 Eglinton Avenue West,
Toronto 12, Ontario.
24th January, 1969.

401/25-11-1

Dear Mr. Isaac:

I have your letter of 13th January, 1969, regarding matters relating to education faced by the Walpole Island Council and the Department of Indian Affairs.

There is apparently some misunderstanding about a proposed meeting in Ottawa on 27th January, 1969. No meeting has been arranged between representatives of this Department and the Department of Indian Affairs in Ottawa on 27th January, 1969. It may be that you have such an arrangement with the Federal authorities for yourself but this Department is not a participant in any discussions planned for that time.

At the request of representatives of the Department of Indian Affairs, it is planned to meet with officials of that Department in my office on 29th January, 1969, to discuss a number of matters dealing with general principles which have been set out by the Federal officials.

I trust the above information will clarify the situation.

Yours sincerely,

J. R. McCarthy,
Deputy Minister of Education.

Mr. P. H. Isaac,
A/Band Administrator,
Walpole Island Council,
R.R. No. 3,
WALLACEBURG, Ontario.

JRM:mt

c.c. Mr. H.B. Rodine, Regional School Superintendent, Toronto.

99844 JAN 16 69

OTTAWA 4, January 13, 1969.

401/25-1

401/25-1-3-1

Dr. J.R. McCarthy, Q.C., B.A., LL.D.,
Deputy Minister of Education,
44 Eglinton Avenue West,
Toronto 12, Ontario.

Dear Dr. McCarthy:

I was very pleased to learn from Mr. Rodine that you would be able to meet with me in your office on January 29th. I hope to have with me at that time Mr. Davey, the Director, Education Branch; Mr. Waller and Mr. Rodine.

In a previous meeting you discussed with Mr. Waller and Mr. Rodine several areas of interest, including:

1. A general agreement between Canada and Ontario with respect to tuition fees and capital costs,
2. Educational services for more remote northern communities, and
3. Intercultural teacher training in Ontario.

I would like to continue discussions on these three issues and also to review with you the Parry Sound and Walpole Island developments.

I understand the Walpole Island representatives have had a fruitful meeting with you. The same group has also discussed its educational objectives with Mr. Davey and would very much like to have a meeting jointly with us. I have no objections to this approach and if it is acceptable to you I suggest that they be invited to discuss their proposal after we have covered the other items.

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- 2 -

We are scheduled to arrive at the Malton Airport at 8:00 a.m. which will enable me to be at your office at your convenience but not earlier than 9:30. If a morning meeting is convenient, it should be possible to dispose of the first four items before lunch and then see the Malpole Island representatives in the afternoon at say 2:00 o'clock. If you wish to telephone me about these arrangements, my telephone number is 992-2935.

I am looking forward to meeting you on January 29th.

Yours sincerely,

Original Signed by
R. F. BATTLE

DAVEY:rb
January 10, 1969.

R. F. Battle,
Assistant Deputy Minister,
(Social Affairs).

Indian Affairs & Northern Development, Ottawa
Attn: Director of Education

(E.10)

PAm
401/25-11-1 (E)
cc: 421/25-11

Superintendent of Schools, Toronto

6 January 69

Proposed General Agreement with Parry Sound District School Board

For your records, we attach Band Council Resolutions from Moose Deer Point Band Council, dated 27 November 68; Henvey Inlet Band Council, dated 16 December 68; Shawanaga Band Council, dated 9 December 68, expressing approval of this proposed plan.

As you are aware, the matter is to be discussed further in a meeting yet to be arranged between our Deputy Minister and the Deputy Minister of Education, Ontario.

H.B. Rodine

Encl.
HBR:mjm

c.c. District School Superintendent, Georgian Bay

c.c. Superintendent, Parry Sound Agency

) This will acknowledge your
) submission of December 23.
) Please advise the Band Councils
) that this matter is now
receiving attention as outlined
above.

REFERENCE

REFERRED To	By	REMARKS	DATE	PA OR BF	By	DATE	For C.R. Use
E	dh	1703	27/1/69	PA	E	3/2/69	
E	dh	1769	28/1/69	PA	E	3/2/69	OW
E5	H	request	4-11-69	PA	E5	4-11-69	
E4	S	request	4-11-69	PA	E4	24 Nov	
E		27915	24-11-69	PA	E	25/1/69	
E4	dh	Request	9/12/69	PA	E4	15/2 Dec 69	
E	F4	291211	15 Dec	PA	E	24/12/69	
E	SS	request	23-1-70	PA	E	23/1/70	
E	SS	request	26-2-70	PA	E	11/3/70	
E4	dh	request	26/3/70	PA	E	26/3/70	
O	JY	request	9-4-70	PA	PA	9/4/70	
E4	H	request	8-5-70	PA	E	15/5/70	
E4	JY	request	15-9-71	PA	E4	15/9/71	
E4	ST	request	21.9.71	PA	E4	21.9.71	