

CHAPITRE 16

Cree Education

16.0.1 For the purposes of this Section, the following words and phrases shall mean :

a) “Native person” is a person who qualifies as a Cree in accordance with the criteria for eligibility established in Section 3 of the Agreement.

16.0.2 The Education Act, (1964 R.S.Q., c. 235 as amended) and all other applicable laws of general application in the province shall apply in the areas covered by this Section save where these laws are inconsistent with this Section in which event the provisions of this Section shall prevail.

16.0.3 The Category I areas of the Cree communities of Fort George, Paint Hills, Eastmain, Rupert House, Waswanipi, Mistassini, Great Whale River and Nemaska listed in the Agreement shall be constituted as a single school municipality.

16.0.4 A Cree School Board, which shall be a school board under the Education Act, shall be established forthwith upon the execution of the Agreement and shall exercise powers and functions in the said school municipality and for the persons described in paragraph 16.0.6.

16.0.5 Every child shall be entitled to receive moral and religious instruction in accordance with a program approved by a clergyman or priest serving the community and by the Protestant or by the Catholic Committee of the Superior Council of Education. Any child, upon request of his parents for reasons of conscience, shall be exempted from such moral or religious instruction.

16.0.6 To the exclusion of all other school boards, the Cree School Board shall have jurisdiction and responsibility for elementary and secondary education and adult education :

a) Within the territorial limits of the municipality contemplated by paragraph 16.0.3, in respect to all persons who qualify as Crees in accordance with the criteria for eligibility established in Section 3 of the Agreement, as well as in respect to all persons who do not so qualify and who are ordinarily residing therein or who are ordinarily residing within Category III lands surrounded by Category I lands except for the Inuit of Great Whale;

b) in Category II, in respect to all persons who qualify as Crees in accordance with the criteria for eligibility established in Section 3 of the Agreement.

16.0.7 The Cree School Board shall not have jurisdiction over non-Native settlements in Category II lands.

16.0.8 Subject to the laws covering such powers and duties, the Cree School Board will have all the powers and duties given to a school board including the powers :

a) to make agreements for educational purposes with any person, group, community, institution or corporation;

b) to make agreements with other school boards in the province in virtue of which such school boards would allow some of their teaching personnel a leave of absence for the purpose of working for the Cree School Board and guaranteeing the re-employment of such personnel at the expiration of their contract with the Cree School Board;

c) to determine the use of standardized tests.

16.0.9 The Cree School Board shall also have the following special powers, subject only to annual budgetary approval :

- a) to make agreements with Canada for education and training programs not provided by Québec, in accordance with the laws and regulations relating to such agreements;
- b) to determine, in conjunction with the Québec Department of Education, the school year and school calendar limited only by the total number of days per year required by law and regulations;
- c) to make agreements for post-secondary education for the persons specified in paragraph 16.0.6;
- d) to acquire, build and maintain residential facilities for its teachers;
- e) to determine, in conjunction with the Québec Department of Education, the number of Native persons and non-Native persons required as teachers in each of its schools;
- f) to arrange, with the Québec Department of Education, for the hiring of Native persons as teachers notwithstanding that such persons might not qualify as teachers in accordance with the standard qualifications prevailing in the other areas of the province;
- g) to select courses, textbooks and teaching materials appropriate for the Native people and to arrange for their experimental use, evaluation and eventual approval;
- h) to develop courses, textbooks and materials designed to preserve and transmit the language and culture of the Native people;
- i) to make agreements with universities, colleges, institutions or individuals for the development of the courses, textbooks and materials for the programs and services that it offers;
- j) to give instruction and guidance to its teachers in the methods of teaching its courses and in the use of the textbooks and teaching materials used for such courses;
- k) to establish courses and training programs to qualify Native persons as teachers;
- l) to establish courses and training programs for non-Native persons who will teach in its schools;
- m) to make agreements with universities, colleges, institutions or individuals to provide training for the Cree School Board's teachers and prospective teachers.

JBNQA, par. 16.0.9

A. corr.

16.0.10 The teaching languages shall be Cree and with respect to the other languages in accordance with the present practice in the Cree communities in the Territory. The Cree School Board will pursue as an objective the use of French as a language of instruction so that pupils graduating from its schools will, in the future, be capable of continuing their studies in a French school, college or university elsewhere in Québec, if they so desire.

After consultation with the parents' committee, and having regard to the requirements of subsequent education, the commissioners shall determine the rate of introduction of French and English as teaching languages.

16.0.11 The by-laws of the Cree School Board which require the approval of the Minister, in virtue of the Education Act, shall come into force forty (40) days after a copy of such by-laws has been transmitted to the Minister unless within that period the Minister disallows in writing any such by-law.

16.0.12 Notwithstanding the provisions of the Education Act concerning school commissioners :

- a) The Cree School Board will be composed of one (1) school commissioner appointed by or elected from each of the eight (8) Cree communities listed in paragraph 16.0.3 of this Section and of one (1) commissioner designated by the Cree "Native party" from among its members;

- b) the Cree School Board shall determine the date when elections of such school commissioners shall take place;
- c) the qualifications for being eligible to vote for and to hold office as a school commissioner shall be :
 - 1) membership in a Cree community;
 - 2) to be of the age of majority;
 - 3) not to be affected by legal incapacity.

However non-Natives who are entitled to the services from the Cree School Board and who meet the qualifications specified in the Education Act for electors shall be entitled to vote for school commissioners;

- d) such school commissioners shall be elected or designated, as the case may be, for a term of three (3) years. Three (3) of the first commissioners elected shall serve for one (1) year and three (3) of the first commissioners elected shall serve for two (2) years with the first commissioners having such abbreviated terms of office being designated by the drawing of lots at the first meeting of the Cree School Board;
- e) if during his term of office the school commissioner designated by the Grand Council of the Crees (of Québec) or its successor loses his office as a member of the Grand Council of the Crees (of Québec), the Grand Council will appoint another commissioner for the remainder of the term of such disqualified commissioner.

JBNQA, par. 16.0.12
A. corr.

16.0.13 The commissioners of the Cree School Board shall be entitled to receive the representation allowances provided pursuant to section 205 of the Education Act, and shall be reimbursed by the Board for all expenses actually incurred for travel, lodging and meals when attending official meetings of the Board in accordance with the regulations that the Board shall adopt for such purpose.

16.0.14 School buildings, facilities, residences and equipment of Québec and Canada shall be transferred or leased, at nominal cost, to the Cree School Board for their use by it. The means and procedures for such transfer or lease shall be arranged by agreement between the Cree School Board and the said governments and will include the right to modify the said buildings, facilities, residences and equipment as may be necessary to fulfil the educational purposes of the Board.

16.0.15 The Cree School Board shall not be the proprietor of any lands. The Board will be allocated building sites within Category I which are required for its educational purposes by means of agreements to be entered into between the Board and the local governments. Such agreements shall be for a nominal monetary consideration, by long term lease or other similar contract, to enable the said Board to receive the transfers or leases to it of the buildings, facilities, residences and equipment specified in paragraph 16.0.14, and to enable the said Board to construct any buildings that it may require for its purposes. Any allocation made pursuant to this paragraph shall not be construed to exclude such allocated land from Category 1.

16.0.16 The Cree School Board shall establish elementary and high school committees which shall be consultative and which shall have the functions delegated to them by the said Board. Nevertheless the Cree School Board must consult their committees with respect to the following :

- a) selection of teacher(s) and principal(s);
- b) school calendar and year;

c) changes in curriculum.

16.0.17 There will be one (1) elementary school committee for each community in which there is at least one (1) such school and one (1) high school committee for each community in which there is at least one (1) high school.

16.0.18 Each school committee shall be composed of from five (5) to eleven (11) members, including one (1) member of the band council or one (1) person appointed by the band council of the community in which the school is located. The number of parents on the school committee shall be fixed annually by a general assembly of the parents of the students attending the schools concerned, providing one (1) parent representative from each school concerned is elected to the committee, and providing, if there are six (6) or more students attending the school who normally reside in a community other than that in which the school is situated, at least one (1) parent representative of such students be elected to the committee.

16.0.19 The terms and conditions of the establishment, operating and financing of the school committees shall be determined by the said Board.

16.0.20 The Cree School Board shall have the right to hire a community education administrator for a community pursuant to a recommendation from the elementary school or high school committee in such community.

16.0.21 The Cree School Board shall reimburse members of the school committees for their expenses for travel, lodging and meals incurred when attending official meetings of their school committee held outside the community in which they reside in accordance with regulations that the Board shall adopt for such purpose.

16.0.22 Programs and funding by Québec and Canada, and the obligations of such governments in favour of the James Bay Crees, shall continue, subject to the Agreement. As a result thereof there shall be no decrease in the quality and quantity of educational services presently available to Native persons for their education and the operational and capital funding necessary to ensure services will be provided by Québec and Canada.

16.0.23 The funding by Québec and Canada referred to in paragraph 16.0.22 shall be provided to the Cree School Board in accordance with a formula to be determined by the Québec Department of Education, the Department of Indian Affairs and Northern Development and the Crees.

16.0.24 Québec and Canada shall jointly ensure the continuation of existing educational services and programs presently available to the Native people, including :

- a) allowances to students in accordance with established regulations;
- b) students "room and board" allowances;
- c) maintenance of foster homes for students;
- d) living, tuition and transportation allowances for post-secondary students.

16.0.25 The services and programs referred to in paragraph 16.0.24 may be provided through agreements to be entered into between Québec and Canada and the Cree School Board acting in accordance with the needs of the communities involved.

16.0.26 The Cree School Board will not be obliged to levy school taxes.

16.0.27 The budget of the Cree School Board shall take into account the unique characteristics of the Cree School Board's geographical location and of its student population. It shall provide for items such as the following :

- a) the cost of the construction, maintenance and replacement of buildings, facilities and equipment;
- b) increases in the student population and the need for adequate teaching facilities;
- c) the cost of transportation of students and teaching staff including transportation for students to and from schools in other parts of the province;
- d) the development of a special curriculum provided for in paragraph 16.0.9;
- e) the maintenance of hostels and residences for its students attending schools outside their community;
- f) the establishment and maintenance of kindergarten school programs and facilities;
- g) the operation of physical education and sports programs;
- h) the provision of adult education programs;
- i) the payment of northern allowances where applicable;
- j) the provision of working conditions and benefits to attract competent teaching personnel and to encourage such personnel to remain in their position for extended periods of time, taking into consideration the conditions and benefits offered in surrounding areas.

16.0.28 Based on annual budgets, providing for operating and capital costs, approved by Québec and Canada, each of the said governments shall contribute to the approved budget of the Cree School Board on the following basis :

Québec : 25%

Canada : 75%

This provision shall take effect two (2) years after the execution of the Agreement.

Commencing in 1982 and every five (5) years thereafter, the percentage contribution of Québec and Canada shall be reviewed taking into account changes in the ratio of Native students to non-Native students under the jurisdiction of, and receiving services from, the Cree School Board.

JBNQA, par. 16.0.28

A. corr.

16.0.29 The provisions of this Section shall come into full effect at the beginning of the school year 1978-1979.

JBNQA, par. 16.0.29

A. corr.

16.0.30 During the first year, (1976-1977, transition period) in accordance with the provisions of this Section, the following will be done :

- a) the members of the Cree School Board will be elected and designated, as the case may be; a director-general of the Board will be appointed, and the elementary and high school committees will be established;
- b) the School Board of New Québec and the Department of Indian Affairs and Northern Development will continue to operate their existing schools;
- c) the Cree School Board will plan its operations for the second year of the transition period and, with the assistance of the School Board of New Québec and the Department of Indian Affairs and Northern Development, it will draw up an operating budget and the capital assets budget for the second year of the transition period;

d) the Cree School Board will arrange to engage teachers as of the time when its schools shall commence to operate.

16.0.31 During the second year, (1977-1978, transition period), in accordance with the provisions of this Section, the following will be done :

a) a tri-partite committee shall be established, composed of the administrator of the School Board of New Québec, a member of the Department of Indian Affairs and Northern Development, and a member of the Cree School Board for the purpose of the financial administration of the schools under the jurisdiction of the Cree School Board and for the purpose of the construction of, or major repairs to, buildings required;

b) subject to all of its resolutions being approved by the said tri-partite committee, the Cree School Board shall administer the schools in Categories I and II lands falling under its jurisdiction.

Commencing with the year 1978-1979 all teachers and principals of the School Board of New Québec and of the Department of Indian Affairs and Northern Development assigned to schools in the school municipality shall become employees of the Cree School Board. The School Board of New Québec and the Department of Indian Affairs and Northern Development shall withdraw from the operation of schools in the school municipality.

16.0.32 The schedules during the transition periods provided for in paragraphs 16.0.30 and 16.0.31 may be revised by agreement among Québec, Canada and the Cree School Board.

16.0.33 The provisions of the Education Act respecting elections, school taxes and valuation of property, and school and parents' committees shall not apply to the Cree School Board.

16.0.34 Notwithstanding section 300 of the Education Act, the publication of public notices for school purposes may be made in accordance with by-laws that the Cree School Board shall adopt for such purposes and submit to the Minister of Education for approval.

16.0.35 The parties undertake to negotiate a modification of the provisions of law respecting compulsory school attendance.

16.0.36 In all of the Category I lands of the communities set forth in paragraph 16.0.3 of this Section, Québec and Canada shall take all measures necessary to implement this Section.

16.0.37 The Cree School Board shall, in consultation with the Minister of Education, negotiate the working conditions of its employees, except basic salary, basic marginal benefits and basic work loads which are negotiated at the provincial level.

16.0.38 The provisions of this Section can only be amended with the consent of Québec and the interested Native party, save for the provisions of paragraphs 16.0.14, 16.0.22, 16.0.23, 16.0.24, 16.0.28, 16.0.30b, 16.0.31, 16.0.32 and 16.0.36 which in addition shall require the consent of Canada.

Legislation enacted to give effect to the provisions of this Section may be amended from time to time by the National Assembly of Québec.