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July 24, 2023	
Court File No.: T-1417-18	
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**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

and

HIS MAJESTY THE KING

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

AFFIDAVIT OF ADEN THOMPSON-KLEIN

I, Aden Thompson-Klein, of 400-1385 West 8th Avenue, Vancouver, in the Province of British Columbia, MAKE OATH AND SAY THAT:

1. I am a lawyer with the law firm Klein Lawyers LLP, court appointed class counsel in this proceeding and, as such, have knowledge of the facts and matters deposed. Where facts are not within my personal knowledge, I have stated the source of the information and I verily believe that information to be true.
2. I have a Bachelor of Commerce degree from the Sauder School of Business at the University of British Columbia and a Juris Doctor from the University of Toronto Faculty of Law. I practice in the firm's class action group and have worked on this case from the time it was filed.
3. I make this affidavit in support of a motion to approve the settlement of this action, to approve the requested class counsel fees, and to approve the requested honoraria to the representative plaintiffs.
4. In swearing this affidavit, none of the class members, representative plaintiffs, or Class Counsel waive any solicitor client or litigation privilege.
5. A copy of the Settlement Agreement is attached as **Exhibit A**.
6. A copy of the Certification Order in this class proceeding is attached as **Exhibit B**.

Experience and Recommendation of Counsel

7. Klein Lawyers, as Class Counsel, has specialized in the area of class actions for three decades. We were plaintiffs' counsel in the first class action certified in British Columbia, the first class action certified in Manitoba, and the first class action certified in Newfoundland & Labrador. Our managing partner, David A. Klein, is a past-president of the Trial Lawyers' Association of British Columbia. He is listed in *Best Lawyers in Canada* in the area of class action litigation, as Repeatedly Recommended by *Lexpert* in the field of class action litigation, and as a Local Litigation Star by *Benchmark Canada*. In 2014, Global Legal Experts named our lawyers as Appellate Law Firm of the Year in Canada. A copy of Mr. Klein's *curriculum vitae*, which details our class action experience, is attached as **Exhibit C**.

8. Dionne Schulze S.E.N.C., Quebec Subclass Counsel, has been a leader in Aboriginal law since its founding in 2007. Its founding partner, David Schulze, has been named one of the "Best Lawyers" practicing Aboriginal law in Canada every year since 2006 by *Best Lawyers in Canada* and every year since 2013 by *Canadian Legal Lexpert Directory*. David represents Aboriginal governments and other non-profit organizations, as well as individuals, in Quebec and elsewhere in Canada. He has argued cases concerning Aboriginal people's consultation rights from coast to coast. Details on the Dionne Schulze legal team will be set out in their affidavit material.

9. We recommended the Settlement Agreement to our clients, Mr. Percival, Ms. Watts, Mr. and Ms. McKay and they accepted our recommendation. Dionne Schulze did the same with their client, Mr. Weistche. It is our assessment that the Settlement Agreement provides considerable benefits to class members. It offers "claims made" compensation, meaning that all class members who come forward and qualify as eligible will be paid the amounts set out in the settlement. There is no cap or limit on the aggregate amount of compensation Canada will pay to the class. There is no risk to class members that there will be a pro-rata reduction in their compensation as can, and often does, happen when there is a cap or limit on total compensation.

10. Further, it is our assessment that the claims administration process is user-friendly and minimizes the risk of re-traumatizing class members. Specifically, the claims process is paper-based and does not require class members to undergo oral testimony. Moreover, every class

member is eligible for a base level of \$10,000 in compensation at Category 1 simply upon verification of class membership. Additional compensation of \$10,000 to \$200,000 is available under Category 2 for claims of abuse with the level of compensation increasing with the severity of the event or harm.

11. Given the available compensation, and the accessible process, it is our assessment that the Settlement Agreement is in the best interests of the class.

12. The agreement does more than provide compensation. It obligates the federal government to provide mental health supports to class members, and it creates a foundation that will fund reconciliation projects for the benefit of class members and the broader community.

The Nature of the Action

13. In litigating this action and then negotiating the Settlement Agreement, the parties had the assistance of three expert reports. The first is from Peter Gorham, an actuary, and it calculates class size. The Gorham report is in the process of being finalized. [**Exhibit D** is intentionally blank]

14. The second is from Joan Holmes & Associates, historians, and it traces the history of the Indian Boarding Homes Program. The Holmes report is attached as **Exhibit E**.

15. The third is from Melanie Vincent, an Indigenous communications expert, and it conducted a survey to assist in determining class size and membership. The Vincent report is attached as **Exhibit F**.

16. The Indian Boarding Homes Program was an educational program in which the Government of Canada placed children from First Nations communities and Inuit villages in other communities (usually non-Indigenous) to stay with private families for the purpose of attending school. The program was part of Canada's policy of culturally assimilating Indigenous persons into mainstream Canadian society.

17. The Indian Boarding Homes Program created an environment where abuse, harassment and other harms would occur. The prolonged absence from family and community also caused

loss of culture, language, and bonding. Canada's conduct, and that of its servants, is alleged to have been negligent and in breach of fiduciary duties that Canada owes Indigenous persons.

18. The class period is from September 1, 1951, until June 30, 1992. The start date is the year of the first documentation of a payment by Indian Affairs for the room and board of a student living in a private home in order to attend school. This coincides with the passage of the *Indian Act*, S.C. 1951, c. 29, which empowered the Minister of the Department of Indian Affairs to enter into agreements with governments and school boards to provide Indian students with access to non-federal educational facilities and services (see pages 6 and 91-92 of the Holmes Report). Based on our review of the documents, Canada had little involvement in student placements in the Boarding Homes Program after the 1991/1992 school year. With a class period running from 1951 to 1992, the youngest class members will be about 38 years old, and the oldest will be about 90 years old.

Transfer of the Program to Indigenous Control

19. The Holmes Report notes that, over time, responsibility for administration of the Boarding Homes Program was transferred to Indigenous organizations, usually as part of the general transfer of education programs.

20. An attempt was made by the parties to chart the dates on which responsibility for the administration of the Boarding Homes Program was transferred from Canada to the various Indigenous authorities. A spreadsheet was created with the approximately 650 First Nations that had or may have had children in the Boarding Homes Program. Canada had researchers review thousands of archival documents to identify those that contained information on the transfer of authority for the program.

21. Canada provided more than 1,000 documents comprising thousands of pages to Plaintiffs' counsel for review. The documents had information relevant to about 150 bands and organizations that had taken over responsibility for some aspect of education services, which may have included the administration of the Boarding Homes Program. For approximately 500 bands and organizations – roughly 77% – there was no information regarding transfer of responsibility for administration of the Boarding Homes Program.

22. The information in most of the documents concerning transfers was incomplete or uncertain. Many of the documents dealt with education generally but did not state whether it was the federal government or the band that had responsibility for placing children in the Boarding Homes Program. In one example, the band took control for students in grades 1-7, but not grades 8-12. Many of the documents are Band Council Resolutions requesting that the band take over the Boarding Homes Program for a term of one year, but with no information about subsequent years. Often, there was no confirmation that the Band Council Resolution was actually implemented. In one instance, the band had control over the Boarding Homes Program but later relinquished that responsibility.

23. In light of the difficulty obtaining archival information on the transfer of responsibility, the parties retained Mélanie Vincent to see if the Indigenous governments and organizations themselves have documentation on the transfer of responsibility for the Boarding Homes Program. In the result, the process did not produce any relevant documents or information with the exception of one band in Quebec.

24. Because the parties could not reliably determine specific transfer dates for specific bands, the class definition operates with a deeming clause. Class members placed in the Boarding Homes Program prior to June 30, 1992 are deemed to have been placed by Canada but persons placed after that date may also qualify for class membership if they can show that they were “placed prior to the date on which responsibility for such placement was transferred from Canada to an Indigenous governing body”.

Negotiation Dynamics, The Settlement Agreement and Terms

25. With the benefit of expert evidence and documentary productions, the parties engaged in a Dispute Resolution Conference with Madam Justice Strickland for three days in Toronto on November 14-16, 2022. The parties did not reach a settlement, but significant progress was made. A further two day session was held in Toronto with Justice Strickland on December 6 and 7, 2022. The parties were successful in negotiating an Agreement in Principle to settle the action. It is attached as Schedule A to the Settlement Agreement.

26. Going into settlement negotiations, our goal was to secure a base level of compensation for all class members who had been in the Boarding Homes Program and to obtain enhanced compensation for class members who had suffered abuse. We were successful in obtaining such a structure.

27. The Settlement Agreement provides two categories of compensation: Category 1 and Category 2. The two categories address different types of harm. Category 1 provides compensation of \$10,000 to class members for loss of culture and loss of connection to family and community that would have occurred by virtue of placement in the Boarding Homes Program. It is available to all class members simply on verification of their membership in the class.

28. Category 2 provides five levels of compensation from \$10,000 to \$200,000 as described in the Category 2 Compensation Grid attached as Schedule B to the Settlement Agreement. The settlement requires class members to establish the abuse suffered based on a paper record. The “proof” will, in most instances, be the class member’s testimony as stated in their claim form, though for some types of abuse there may be a need to provide further documentation. The compensation amounts are meant to approximate tort level values that a court might award if it heard the claim.

29. The claims process is designed to be expeditious, user-friendly, and culturally sensitive. The intent is to minimize the burden on the Claimant in pursuing their claims and to mitigate any likelihood of re-traumatization through the Claims Process.

30. Class members are not required to file their Category 1 and Category 2 claims together, or at the same time. They can file their Category 1 quickly and obtain some compensation quickly. They may then take more time with the Category 2 claim, which may be more emotionally demanding to prepare and file. Separating the Category 1 and Category 2 claims is an innovation in this Settlement Agreement which avoids a problem seen in the Day Schools settlement on “progressive disclosure”: see *McLean v. Canada*, 2021 FC 987. The Day Schools settlement does not have an equivalent of our Category 1. It is divided into five levels that roughly correspond with our Categories 2A to 2E. Some claimants in Day School filed a claim for base level compensation which was quickly processed and then they subsequently wanted to amend their

submission to claim enhanced compensation. The process in Day Schools did not allow such amendment.

31. Our settlement avoids putting class members into a difficult scenario where they have to choose a simple, expedited claim over a more complex, emotional claim. Under our settlement structure, they can have both. They can file their Category 1 claim right away and get paid, and subsequently file their Category 2 claim, when they are ready, subject to the claim deadline, which is 2 years and 6 months after the settlement implementation date.

32. Another innovation and improvement over Day Schools and Sixties Scoop is that this settlement provides for payment of legal fees for local lawyers to help individual class members with their claims, awarding a payment of 5% of a claimant's Category 2 payment plus applicable taxes for legal fees. This amount will be paid by Canada with no deduction from the class member's compensation. Local lawyers may request up to a further 5% for fees and/or disbursements, subject to approval by the Court. The top up is also paid entirely by Canada. This incentive structure will help ensure that class members have access to local counsel to assist them with their individual claims.

33. In some class action settlements, such as Day Schools, there is an added fee provision to have class counsel assist class members with their claims. However, with a geographically diverse class of thousands of class members, many of whom have suffered serious abuse and need to file their claims within a limited time, there is a serious risk that class members may not get the level of assistance they need. Class members in the Day Schools and Sixties Scoop settlements can retain their own counsel to assist them, but the fees come out of the class member's recovery. A payment protocol has been developed in those settlements to deal with the mechanics of payment to class members who are represented by their own lawyers: see *McLean v. Canada*, 2020 FC 702 and *Riddle v. Canada*, 2020 FC 878. Our model allows every class member to choose their own counsel at no cost to them.

34. The claims process has an appeal procedure with recourse first to an Independent Reviewer and from there to an Exceptions Committee. Class Counsel and Quebec Subclass Counsel sit on the Exceptions Committee.

35. The Settlement Agreement creates a foundation with funding of \$50 million to pursue reconciliation projects for the benefit of class members and the larger community.

36. The Settlement Agreement obligates the Defendant to maintain mental health supports for class members.

The Costs, Risks and Duration of Continued Litigation

37. While much work has been done, it would be several years more work to bring this case to trial if a settlement was not approved. Though there was considerable documentary disclosure by the Defendant, and while an expert report from historians was completed, more documentary and oral discovery would be necessary, and more work with experts would be required to get the matter ready for trial.

38. Such a trial would not necessarily resolve the litigation. The certified common issues in the Certification Order, at paragraph 8, are:

(a) Did Canada owe duties to Class Members as alleged in the Statement of Claim?

(b) if the answer to (a) is yes, did Canada breach any of those duties?

39. If the Representative Plaintiffs were successful at a common issues trial, and assuming there were no appeals from that trial, the case would then move to individual hearings at which each class member would need to prove damages and causation. In other words, class members would still need to prevail at further, individualized hearings to obtain individual damage awards.

40. There are an estimated 40,000 class members, as calculated in the Gorham Report. It is difficult to estimate how long it would take to complete 40,000 individual hearings in the absence of settlement. Delays however would be certain and would not be in the interests of an aging class.

Retainer Agreements

41. We were retained by Reginald Percival on May 8, 2018, by Iona McKay and Allen McKay on May 15, 2018, and by Loretta Watts on June 15, 2018. Copies of their Retainer Agreements are attached as **Exhibits G, H, I, and J**, respectively.

42. Each of these Retainer Agreements provided for a contingency fee of 33.33%.
43. We understood at the time the Retainer Agreements were entered into that our clients were not in a financial position to hire us on a fee for service basis. Practically speaking, a contingency fee agreement was the only way our clients could obtain access to justice.
44. We also understood that this was a risky litigation. Canada is a well resourced and sophisticated litigant. We expected a resolute opponent.
45. A one third contingency is our usual fee for complex litigation. It is a fee which Canadian Courts have approved in several class actions in which we have been class counsel including *Jones v. Zimmer GMBH*, 2016 BCSC 1847, *Stanway v. Wyeth Canada Inc.*, 2015 BCSC 983 and *Schroeder v. DJO Canada Inc. et al*, order of Chief Justice Popescul of the Saskatchewan Court of Queen's Bench, dated May 3, 2016.

Risk Undertaken

46. There were many risks when we first filed this litigation. This included:
- (a) The risk that the action would not be certified due to the number of individual issues;
 - (b) The risk that the action would not be certified due a factual matrix that extends back 70 years, and a class definition that covers four decades and includes individuals in every province and territory;
 - (c) The risk that the trial would be unmanageable because of extensive class period and geographically diverse class membership;
 - (d) Challenges at trial in dealing with shifting standards and evolving government priorities over a long class period;
 - (e) Challenges at trial at dealing with novel claims. The claim for loss of culture was and remains novel;
 - (f) Canada would have defences available to it at trial, including expiry of limitation periods which might drastically reduce the size of the class;
 - (g) Even if the case was successful at the common issues stage, individual class members may not have been successful in proving causation and damages at the individual

issues stage. Risks include potential limitations issues, the loss of evidence and the lack of reporting generally associated with the abuse suffered by class members.

Class Size and Distribution of Claims

47. Based on class size estimates provided by Peter Gorham, an actuary retained by Canada, the parties used 40,000 as an operating assumption for the estimated class size. Mr. Gorham is finalizing his report, which will be filed with the court.

48. Based on the experience in the Indian Residential Schools settlement and in the Day Schools settlement, it may be assumed that a very high percentage of class members, approaching 100%, will make claims.

49. If 40,000 class members apply for Category 1 compensation, that is an initial payment to the class of \$400 million.

50. Attached as **Exhibit K** is a printed version of the Day Schools settlement administrator's website page with claims processing data for that settlement. As stated above, the Day Schools settlement Levels 1 to 5 are roughly equivalent to our Categories 2A to 2E. In Day Schools, approximately 70% of claims received were for Level 1, and about 30% were for Levels 2 – 5. We expect a higher percentage at Categories 2B to 2E in the Boarding Homes settlement. Children in the Day Schools program went home at the end of the school day. Children in the Boarding Homes program were placed in residential settings far away from home for extended periods of time. As a result, there is a greater likelihood of abuse.

51. If one assumes a similar claims experience to Day Schools, we may expect 12,000 class members (30%) to be approved for claims under Categories 2B to 2E, with the balance placing in Category 2A. Evenly distributing those numbers across Categories 2B to 2E results in 3,000 claimants for each of Categories 2B to 2E. This results in a compensation distribution as follows:

Category	Class Members	Compensation	Total
1	40,000	\$10,000	\$400,000,000
2A	28,000	\$10,000	\$280,000,000
2B	3,000	\$50,000	\$150,000,000
2C	3,000	\$100,000	\$300,000,000
2D	3,000	\$150,000	\$450,000,000
2E	3,000	\$200,000	\$600,000,000
			Total \$2,180,000,000

52. A roughly equal distribution in the upper four compensation categories is consistent with our firm's experience in the *Merlo* class action settlement (*Merlo v. Canada*, 2017 FC 533).

53. To this may be added payments to the foundation (\$50 million), and payments for individual legal fees (5%), resulting in an expected value of the settlement of about \$2.3 billion.

Work Done

54. The information in this paragraph and in the next paragraph is from my review of the e-mails, correspondence, and notes in our file. Reginal Percival contacted us about this case by e-mail in February 2018. We did some preliminary research and then met with him in March and again in April. Coming off our recent experience as class counsel in the Sixties Scoop litigation, we felt the Boarding Homes case might be viable, though we could see challenges and knew it would require dedicating substantial firm resources. It was a concerning red flag that no other law firm had agreed to take on the case. Mr. Percival provided us with two boxes of documents, and we conducted further research to understand the nature and scope of the Boarding Homes Program.

55. Toward the end of April 2018, we advised Mr. Percival that we would be willing to represent him in a class action on behalf of survivors of the Boarding Homes Program, and we provided him with our retainer agreement. We asked him, as well, to see if there were other survivors who might be willing to act as plaintiffs along with him. Mr. Percival retained us on May 8, 2018. The McKays retained us on May 15, 2018, and Ms. Watts on June 15, 2018.

56. We issued the claim July 24, 2018. We included novel pleadings regarding loss of culture and loss of language. We trained staff to handle claim member inquiries and we established a webpage for that purpose. We prepared a questionnaire for each class member contacting us to complete, and we reviewed these questionnaires as they came in to make sure that the action we were advancing was aligning with what class members were actually telling us. To date, over 1,500 class members have contacted our firm, registered for this class action and provided us with their personal information.

57. Madam Justice Strickland was appointed case management judge for this proceeding on July 27, 2018, and defence counsel first appeared on August 9, 2018. Meanwhile we were working on our certification motion record, seeking to build momentum in the case.

58. On August 22, 2018, we hired Dr. John Milloy, a historian and professor at Trent University, to assist us with the case. We also identified experts on emotional and psychological harm suffered by class members to assist on the common issues.

59. On September 4, 2018, we were contacted by Quebec counsel, Dionne Schulze, who had filed a related case in Quebec. After a series of discussions, we negotiated a co-ordination agreement with Dionne Schulze.

60. Throughout September we continued to work on the certification record, which we delivered on October 16, 2018, in advance of a case management conference set for October 22, 2018. The case management conference resulted in an order, dated November 15, 2018, that put a pause on further procedural steps to permit the parties to engage in dialogue to exchange information and narrow the issues. We were to provide an update to the court by no later than January 31, 2019.

61. In December 2018, we had a consultation with Professor Jennifer Llewellyn regarding potential resolution structures that would minimize the risk of re-traumatizing class members. We had worked with Professor Llewellyn in the *Merlo* class action. She is a professor at Dalhousie University Law School and is Chair in Restorative Justice and Director of the Restorative Research, Innovation and Education Lab.

62. On December 21, 2018, documentary disclosure from the defendant began. The documents produced were archival records from government libraries on the Boarding Homes Program over time and across regions. Over the course of the litigation, hundreds of such documents would be produced. We had lawyers conduct detailed reviews of the documents in preparation for the certification motion and ultimately the common issues trial.

63. The parties met in Vancouver on February 6, 2019, to seek to narrow issues. The meeting was a success and on April 1, 2019, the Defendant advised that it was prepared to consent to class certification and on which terms. After carefully considering those terms, the plaintiff advised the court of the parties' agreement on class certification at a case management conference on April 24, 2019. Thereafter, the plaintiff prepared a consent certification record and obtained the certification order dated June 28, 2019.

64. On February 21, 2019, we attended a meeting of survivors of the Boarding Homes Program in Sault St. Marie, Ontario. We advised attendees of our progress with the lawsuit and welcomed them to work with us in developing the case.

65. The next usual step after certification is notice to the class. We retained class notice experts Tod Hilsee and Shannon Wheatman. We had frequent communication with the Defendant including in-person meetings on June 17, 2019, and August 16, 2019 in Montreal and on November 12, 2019 in Ottawa. Topics of discussion included the best means of providing class notice, limitations on data for determining class size and membership, and the average length of time that class members spent in the Boarding Homes Program. Documentary disclosure continued during this time, and the Defendant also provided its first draft historical report.

66. In January 2020, the Defendant provided a draft of an actuary report on class size. We worked to confirm that the report was consistent with information already disclosed.

67. Beginning in February 2020, we had a series of discussions with provincial health insurers regarding their potential interest in the case and whether class members had suffered insurable injuries. After reviewing data for specific individual class members, we were able to persuade the provinces that this action was not relevant to their concerns as health insurers. This was a

significant milestone as participation by the provincial health insurers can create an added layer of complexity to resolving class claims. (See *Perdikaris v Purdue Pharma Inc.*, 2019 SKQB 281)

68. The pandemic disrupted work on this file. The parties could not continue their regular in-person meetings and instead shifted to regular phone calls and video meetings. Government archives remained closed for long periods during the pandemic. This delayed completion of documentary productions in the case.

69. We had calls with the Defendant on March 31, 2020 and May 5, 2020, and a case management conference was held June 10, 2020. In August 2020 we obtained individual medical records for a representative sampling of class members and we reviewed these to determine the strength and availability of individual documentary evidence of abuse if the case went to trial.

70. In September 2020, Canada provided a chart listing possible dates on which responsibility for the Boarding Homes had been transferred to various bands. Over the ensuing months we cross-checked the suggested dates against the thousands of pages of documents that had been provided to us. We concluded that many of the dates were not supported by the available documents. This, in turn, led to discussions with the Defendant on contacting the bands to see if they had information or documentation on dates on which they assumed responsibility for placing students from their communities into the Boarding Homes Program. The parties decided to retain a joint expert, Melanie Vincent, to conduct this inquiry by surveying a representative sample of 100 bands. Attached as **Exhibit L** is the May 5, 2021 Motion Record seeking the appointment of Ms. Vincent as a joint expert and authorizing her to conduct the needed research to be paid for by the Defendant.

71. In March 2021, we retained Dr. Raven Sinclair to assist us on recommendations for legacy and reconciliation projects as part of any settlement. Dr. Sinclair is a professor of social work at the University of Saskatchewan who has researched and published on reconciliation efforts between Canada and Indigenous groups. We had previously worked with Dr. Sinclair to develop the engagement strategy for the Sixties Scoop Healing Foundation, a foundation established as part of the Sixties Scoop class action settlement. Dr. Sinclair provided us with a report on projects and costing, which we used in the negotiations at the Judicial Dispute Resolution sessions.

72. On July 12, 2021, there was a case management conference to update the court on the steps taken in the litigation. The court remained satisfied that, because of active efforts by the parties to narrow issues and share information, procedural steps in the litigation did not need to be scheduled at the time. The court required, however, that the parties provide regular updates as to their progress.

73. In January 2022, the draft report of the historians, Joan Holmes & Associates, was received. We reviewed the report for accuracy and to make sure it lined up with the archival documents already produced. Documentary productions from the Defendant continued in March, May, and August 2022. We set up a shared database with Quebec Subclass Counsel to efficiently manage the documents and to allow sharing of document review and of commentary on the productions. Organizing the documents in this way assisted us in reviewing the expert report, but also in preparing for discoveries and trial.

74. There was a case management conference on September 14, 2022 at which the parties requested Justice Strickland to preside over a Dispute Resolution Conference. We prepared thoroughly for the conference, delivering our mediation brief, and attending in Toronto for the Dispute Resolution Conference on November 14-16, 2022, and December 6-7, 2022. Our Representative Plaintiff, Reginald Percival, attended all of the sessions as did the Quebec Subclass Representative Plaintiff, Kenneth Weistche. At the conclusion of the Dispute Resolution Conference, the parties signed an Agreement in Principle.

75. In December 2022, we met with Dr. Matthew Coon Come, a former Grand Chief of the Grand Council of the Crees and former National Chief of the Assembly of First Nations, to receive his advice on the structure and mandate for the Foundation. Dr. Coon Come was on the plaintiff team that developed the framework for the Trust in the recently approved Band Reparations class action (*Tk'emlúps te Secwépemc First Nation v. Canada*, 2023 FC 327).

76. Following the Agreement in Principle, the parties worked diligently at negotiating the full Settlement Agreement, including at full-day in-person meetings in Montreal on February 22, Saskatoon on March 30, and Toronto on April 20.

77. There were extensive negotiations on the Category 2 Compensation Grid (Schedule B to the Settlement Agreement). The Compensation Grid builds on the compensation categories Canada agreed to in Day Schools but with changes intended to make it clearer, simpler, and more internally consistent. The focus is on events rather than proof of harm. This approach is intended to make the claims process easier for claimants and the administrator. After many drafting iterations back and forth, the final version of the Settlement Agreement was concluded on June 15, 2023.

78. The parties also worked on notice, obtaining an order, dated March 22, 2023, appointing Eric Khan as a notice expert to the parties, and obtaining an order, dated June 16, 2023, providing for publication of notice to the class.

79. The conclusion of a Settlement Agreement has still left much work and detail to be completed with the assistance of the prospective claims administrator. This includes preparing the procedures, systems, guidelines, and forms for the claims process. This will be done in collaboration with the parties after the settlement receives court approval.

80. This file was a substantial undertaking for our firm, which we have carried for more than 5 years without payment. We have had 3 to 4 lawyers working on the case throughout as well as articling students and paralegals. To date, the value of our time expended on this file by Class Counsel and Quebec Subclass Counsel is \$7,687,471.00. A summary of time expended is attached as **Exhibit M**.

81. To date, our firm has incurred \$133,023.93 in disbursements. I am informed by David Schulze that Dionne Schulze has incurred disbursements of \$41,794.46. Attached as **Exhibit N** is our firm's disbursement summary.

Future Work

82. Barring any appeals, the Implementation Date will be about three months after court approval of the settlement. Claims will be accepted soon thereafter with a claim deadline of 2.5 years from the Implementation Date. There is provision for deadline extensions of up to six months in extraordinary circumstances.

83. A substantial amount of work will be expended by Class Counsel and Quebec Subclass Counsel over the next three to four years. There is, of course, the work leading up to and including the settlement approval hearing. We have had video meetings with three potential claims administrators and invited them to present proposals. The proposals will be reviewed by plaintiff and defence counsel, further meetings will be conducted, and an administrator will be jointly selected for approval by the court. Notice to the class has been issued and we are fielding 20 – 40 inquiries from class members per day.

84. As Class Counsel, we and Quebec Subclass Counsel have an obligation to ensure that the settlement is operating effectively and is achieving its goals. We will be working with all counsel and the claims administrator to create the claim forms, systems, procedures and assessment guidelines for processing claims applications. Procedures must be put in place for the flow of funds to the claims administrator and then out to approved claimants. Court approved protocols will be developed for reconsiderations, estate claims, deadline extensions, referrals to the Exceptions Committee, payment of individual legal fees and return or destruction of records. The Foundation must be established, its mandate created, its directors and advisory board identified and appointed, and its staff and financial consultants hired. One or more Independent Reviewer must be recruited and then court appointed. Outside members of the Exceptions Committee must be recruited and appointed. We and our Quebec Subclass Counsel will be members of the Exceptions Committee. In Sixties Scoop, this has frequently been a weekly or more often commitment for more than two years. Each class action is unique and has unique challenges that occur during the claims administration process. With a class this large and diverse, new and unanticipated circumstances arise that require communications among the parties, preparation of new protocols and court applications.

85. Our responsibility in this settlement includes ensuring that there is effective class member outreach, claims assistance, and mental health support. Attached as **Exhibit O** is our draft framework on this.

86. Outreach means getting the word out to Indigenous communities and individuals affected by the Boarding Homes Program. The goal is to ensure that as many class members as possible are made aware of the settlement and their eligibility for compensation. A single notice is

insufficient. We will ensure there is a continuing program utilizing varied communications strategies. Many class members will need help with the preparation of their claims. There is a network of hundreds of lawyers across the country who assisted claimants in the Indian Residential Schools Settlement. Payment of individual legal fees to these local lawyers is an important element of our Settlement Agreement to help ensure that class members receive the assistance they need with their applications. It can be expected, as well, that individuals within Indigenous organizations will be assisting class members. This has occurred in the IRSS, Sixties Scoop, Day Schools and Day Scholars settlements. Our firm will be available as a resource and will conduct training sessions to “help the helpers” to seek to ensure a high quality of representation for class members. Publication of the notice of settlement and the claims process itself are likely to be re-traumatizing for many class members. We have endeavored to ensure that mental health supports are in place, but it will be equally important for us to ensure that mechanisms are in place so that class members are made aware of and are directed to those resources.

87. Based on our experience with other complex class actions, we anticipate that we and our co-counsel, Dionne Schulze, will collectively expend a further \$2 million to \$3 million in time from now through to the conclusion of this case several years from now. Further disbursements, for such things as travel and preparation of motion materials, will also be incurred.

88. Our firm’s class action group has 7 lawyers and about 20 support staff, most of whom are in our Vancouver office. Based on our experience in other class actions, we have the capacity to assist about 500 to 1,000 class members with the preparation of their individual claims. Depending on how many class members we represent and their approved compensation categories, this will generate about \$1.2 million to \$2.4 million in individual legal fees. If we undertake that work, it is likely that we will have to hire additional staff.

Publication of Notice

89. Notice was published pursuant to and in compliance with this Honourable Court’s order, dated June 16, 2023, a copy of which is attached as **Exhibit P**.

90. The Notice has been effective. We are receiving an increasing number of inquiries from class members with many expressing an interest in watching the settlement approval hearing or

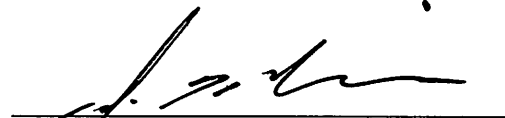
participating by making statements to the court. To date, the response to the settlement has been overwhelmingly positive. In the week prior to the settlement approval hearing, we will file an affidavit with details of the class member interactions.

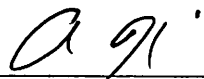
Contribution of the Representative Plaintiffs

91. The representative plaintiffs were invaluable. They exhibited bravery in sharing publicly through their affidavits personal details of abuse they suffered while in the Boarding Homes Program. They offered such testimony even though it was painful to them and put them at risk of re-traumatization.

92. The representative plaintiffs were diligent and active clients. They kept themselves and other class members informed, asked questions, and provided timely instructions.

93. Reginald Percival’s 17 years of advocacy on behalf of Boarding Homes survivors is remarkable. I have worked closely with him on this case over the past 5 years and have seen the emotional toll it has had on him. We often discussed the impact of having his friends and fellow class members pass away before seeing a resolution to this case. Mr. Percival is now 69 years old. We have talked about his desire to retire over the past 2 years, and his feeling of being unable to do so out of his sense of commitment to help class members and his community. This case would not have happened but for Mr. Percival’s dogged pursuit of justice.

SWORN BEFORE ME at the)
City of Vancouver in the)
Province of British Columbia)
this 24th day of July, 2023)
)
)
)
)

)
)
A Commissioner for Taking Affidavits)
In the Province of British Columbia)



Aden Thompson-Klein

DAVID A. KLEIN
Barrister & Solicitor
400-1385 West 8th Avenue
Vancouver, BC V6H 3V9

This is Exhibit "A" referred to in the
Affidavit of Aden Thompson-Klein
sworn before me on this 24th day of
July, 2023

A handwritten signature in black ink, appearing to be 'A. Thompson-Klein', written over a horizontal line.

A Commissioner of taking Affidavits
in the Province of British Columbia

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

and

HIS MAJESTY THE KING

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

SETTLEMENT AGREEMENT

WHEREAS

- A. *Reginald Percival et al v. His Majesty the King* (T-1417-18) was commenced in Federal Court on July 24, 2018 (“Percival”);
- B. An application for authorization to institute a class action was filed in the Quebec Superior Court in the District of Montreal, *Wiichihiiwewin Centre of Waskaganish and Anne Smith v. Attorney General of Canada* (500-06-00812-160), which has not been authorized (the “Quebec Claim”);
- C. Both the Percival action and the Quebec Claim action seek compensation and other benefits for students who were part of the federal Indian Boarding Homes Program. The Parties agree that this Settlement Agreement will resolve both Percival and the Quebec Claim. By order from the Quebec Superior Court dated April 1st, 2021, the Quebec Claim is currently stayed until a 60-days period after final judgment to be rendered in the Percival action, considering that the Quebec Claim cause of action is subsumed in the Percival certification order;

- D. Commencing in 1951, Indigenous students across Canada were placed by Canada in private homes for the purpose of attending school, other than a post-secondary institution. Certain abuses were committed against them and harms were suffered by students placed in the Indian Boarding Homes Program;
- E. Over time, responsibility for the placement of students was transferred from Canada to Indigenous governing bodies;
- F. Percival was certified on consent as a class proceeding by order of Madam Justice Strickland, dated June 28, 2019;
- G. A dispute resolution conference was held in Percival in Toronto before Madam Justice Strickland on November 14 – 16, 2022, and December 6 – 7, 2022;
- H. On December 7, 2022, the Parties entered into an Agreement in Principle with respect to the settlement of Percival. The Parties have committed to work together to prepare a final settlement agreement (the “Settlement Agreement”) and supporting documents for claims administration and notice;
- I. The Parties intend there to be a fair, comprehensive and lasting settlement of claims related to the Indian Boarding Homes Program, and further desire the promotion of healing, education, commemoration, and reconciliation. They have negotiated this Settlement Agreement with these objectives in mind;
- J. Subject to the Approval Order and the expiry of the Opt Out Period without the Opt Out Threshold having been met or waived by the Defendant, the claims of the Primary Class Members and Family Class Members, save and except for the claims of Primary Class Members who have opted out of the Class Action before the end of the Opt Out Period, shall be settled on the terms contained in this Agreement;

NOW THEREFORE in consideration of the mutual agreements, covenants, and undertakings set out herein, the Parties agree as follows:

SECTION ONE

INTERPRETATION

1.01 Definitions

In this Agreement, the following definitions apply:

“Agreement in Principle” means the Agreement in Principle dated December 7, 2022, and attached hereto as Schedule A;

“Application” means a claim for compensation by a Claimant submitted to the Claims Administrator;

“Approval Order” means the order or orders of the Court approving this Agreement;

“Business Day” means a day other than a Holiday;

“Canada” means His Majesty the King in Right of Canada, the Attorney General of Canada, and their legal representatives, employees, agents, servants, predecessors, successors, executors, administrators, heirs, and assigns;

“Category 1 Payment” means a payment of \$10,000;

“Category 2 Payment” means the further payment in accordance with a compensation grid attached as Schedule B;

“Category 2 Compensation Grid” means the compensation grid attached as Schedule B;

“Certification Order” means the order of the Federal Court dated June 28, 2019, certifying this Class Action under the *Federal Courts Rules*;

“Claimant” means a Primary Class Member or an Estate Executor, or Personal Representative, who makes a claim by completing and submitting an Application to the Claims Administrator;

“Claim Deadline” means the date that is two years and six months after the Implementation Date;

“Claims Administrator” means such entity as may be designated by the Parties from time to time and appointed by the Court to carry out the duties assigned to it in this Agreement;

“Claims Process” means the process outlined in this Agreement and related forms, for the submission, assessment, determination and payment of compensation to Primary Class Members;

“Class Action” or **“Percival”** means the class action certified by the Federal Court on June 28, 2019, with the style of cause: *Reginald Percival, Allan Medrick McKay, Iona Teena McKay and Lorna Watts v. His Majesty the King* (Federal Court File #T-1417-18);

“Class Counsel” means Klein Lawyers LLP;

“Class Members” means Primary Class Members and Family Class Members;

“Court” means the Federal Court unless the context otherwise requires;

“Eligible Claimant” means a Claimant who has made an Application in accordance with this Agreement which has been approved for payment by the Claims Administrator;

“Estate Executor” means the executor, administrator, trustee or liquidator of a deceased Primary Class Member's estate;

“Exceptions Committee” means the committee established in Section 9;

“Family Class Member” means a person who has a derivative claim in accordance with applicable family law legislation arising from a family relationship with a Primary Class Member;

“Family Class Releasors” means each Family Class Member who has not opted out of the Class Action on or before the expiry of the Opt Out Period as set out in section

10.02(1);

“Federal Indian Boarding Home Program” or **“Indian Boarding Home Program”** or **“IBHP”** means the program administered by Canada whereby Indigenous children were placed in private homes for the purpose of attending school, excluding post-secondary education;

“Foundation” means the foundation established pursuant to Section 2.01;

“Holiday” means any Saturday or a Sunday or a day observed as a holiday under the laws of the Province or Territory in which the person who needs to take action pursuant to this Agreement is situated, or a holiday under the federal laws of Canada as set out in the *Interpretation Act*, RSC 1985, c I-21, s 35 or a holiday as set out in the *Federal Courts Rules*, SOR/98-106, s 2;

“Implementation Date” means the latest of:

- a) thirty (30) days after the expiry of the Opt-Out Period; and
- b) the day following the last day on which a Primary Class Member or the Family Class Member may appeal or seek leave to appeal the Approval Order; and
- c) the date of the final determination of any appeal brought in relation to the Approval Order;

“Independent Reviewer” means the person or persons appointed by the Court to carry out the duties of the Independent Reviewer as specified in this Agreement and in the Claims Process;

“Opt Out Period” means the period from publication of the notice of certification of the Class Action as a class proceeding until a date set by the Court that is at least sixty (60) days from the Approval Order;

“Opt Out Threshold” means the Opt Out Threshold set out in Section 5.02;

“Parties” means the signatories to this Agreement;

“Person Under Disability” means a person who is unable to manage or make reasonable judgments or decisions in respect of their affairs by reason of mental incapacity and for whom a Personal Representative has been appointed;

“Personal Representative” means the person appointed to manage or make reasonable judgments or decisions in respect of the affairs of a Person Under Disability;

“Primary Class Member” means a person who was placed by the Government of Canada in a private home for the purpose of attending school, excluding placements made for the purpose of attending a post-secondary educational institution, and includes any person participating in the IBHP during the period from and including September 1, 1951, and ending on June 30, 1992. A person who participated in the IBHP between September 1, 1951, and June 30, 1992, is deemed to be placed by Canada. A person who was placed in a private home for the purpose of attending school, excluding placements made for the purpose of attending a post-secondary educational institution after June 30, 1992, is a Primary Class Member if that person was placed prior to the date on which responsibility for such placement was transferred from Canada to an Indigenous governing body;

“Primary Class Releasers” means Each Primary Class Member or their Estate Executor or Personal Representative who has not opted out of the Class Action on or before the expiry of the Opt Out Period as set out in section 10.01(1);

“Quebec Subclass Counsel” means Dionne Schulze S.E.N.C.;

“Request for Deadline Extension” means a request for an extension of the Claim Deadline made by a Claimant in accordance with Section 7.04 of this Agreement;

“Settlement Agreement” or **“Agreement”** means this Agreement and the Schedules attached hereto.

1.02 No Admission of Liability

This Agreement shall not be construed as an admission of liability by the Defendant.

1.03 Headings

The division of this Agreement into sections and the use of headings are for convenience of reference only and do not affect the construction or interpretation of this Agreement.

1.04 Extended Meanings

In this Agreement, words importing the singular number include the plural and *vice versa*, words importing any gender include all genders and words importing persons include individuals, partnerships, associations, trusts, unincorporated organizations, corporations, and governmental authorities. The term “including” means “including without limiting the generality of the foregoing”.

1.05 No *Contra Proferentem*

The Parties acknowledge that they have reviewed and participated in settling the terms of this Agreement and they agree that any rule of construction to the effect that any ambiguity is to be resolved against the drafting Parties is not applicable in interpreting this Agreement.

1.06 Statutory References

In this Agreement, unless something in the subject matter or context is inconsistent therewith or unless otherwise herein provided, a reference to any statute is to that statute as enacted on the date thereof or as the same may from time to time have been amended, re-enacted, or replaced and includes any regulations made thereunder.

1.07 Day For Any Action

Where the time on or by which any action required to be taken hereunder expires or falls on a day that is a Holiday, such action may be done on the next succeeding day that is a Business Day.

1.08 Final Order

For the purpose of this Agreement, a judgment or order becomes final when the time for appealing or seeking leave to appeal the judgement or order has expired without an appeal being taken or leave being sought or, in the event that an appeal is taken or leave to appeal is sought, when such appeal or leave to appeal and such further appeals as may be taken have been disposed of and the time for further appeal, if any, has expired.

1.09 Currency

All references to currency herein are to lawful money of Canada.

1.10 Compensation Inclusive

The amounts payable to Primary Class Members under this Agreement are inclusive of any prejudgment or post-judgment interest or other amounts that may be claimed by Primary Class Members against Canada for claims arising out of Percival.

1.11 Schedules

The following Schedules to this Agreement are incorporated into and form part of this Agreement:

Schedule A	Agreement in Principle
Schedule B	Category 2 Compensation Grid
Schedule C	Percival Statement of Claim
Schedule D	Quebec Claim Amended Application for Authorization
Schedule E	Certification Order
Schedule F	Draft Federal Court Approval Order

1.12 No Other Obligations

All actions, causes of action, liabilities, claims, and demands whatsoever of every nature or kind for damages, contribution, indemnity, costs, expenses, and interest which any Primary Class Member or Family Class Member ever had, now has, or may hereafter have arising in relation to Percival against Canada, whether such claims were made or could have been made in any proceeding, will be finally settled based on the terms and conditions set out in this Agreement upon the Implementation Date, and Canada will have no further liability except as set out in this Agreement.

1.13 Entire Agreement

This Agreement constitutes the entire agreement among the Parties with respect to the subject matter hereof and cancels and supersedes any prior or other understandings and agreements between or among the Parties with respect thereto. There are no representations, warranties, terms, conditions, undertakings, covenants or collateral agreements, express, implied, or statutory between or among the Parties with respect to the subject matter hereof other than as expressly set forth or referred to in this Agreement.

1.14 Benefit of the Agreement

This Agreement will enure to the benefit of and be binding upon the Parties, Class Members and their respective heirs, Estate Executors, and Personal Representatives.

1.15 Applicable Law

This Agreement will be governed by and construed in accordance with the laws of the Province or Territory where the Primary Class Member or Family Class Member resides and the laws of Canada applicable therein.

1.16 Counterparts

This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original and all of which taken together will be deemed to constitute one and the same Agreement.

1.17 Official Languages

A French translation of this Agreement will be prepared as soon as practicable after the execution of this Agreement. Canada will pay for the costs of a translation, to be approved by the Parties. The French version shall be of equal weight and force at law.

1.18 Date when Binding and Effective

On the Implementation Date, this Agreement will become binding and effective on the Parties and all Primary Class Members and Family Class Members. The Approval Order constitutes approval of this Settlement Agreement by all Primary Class Members who have not exercised their right to opt out of the Class Action.

1.19 Effective in Entirety

Subject to Section 11.01(2), none of the provisions of this Agreement will become effective unless and until the Federal Court approves this Agreement.

SECTION TWO

LEGACY MEASURES

2.01 Establishing the Foundation

(1) As part of the legacy of the IBHP, the Parties are committed to implementing the Settlement Agreement in a manner that contributes to commemoration, healing, languages, culture and reconciliation. The Parties agree that these essential objectives will be supported and promoted through the funding of certain projects. To this end, the Foundation will be established under the *Canada Not-for-Profit Corporations Act* prior to the Implementation Date.

(2) The Parties agree that the intention of the Foundation is to promote and support Class Members and their descendants in healing, wellness, education, languages, cultures, heritage, commemoration and reconciliation activities and programs. The activities and programs will not duplicate those of the Government of Canada.

2.02 Directors

- (1) The Foundation will have at least five first directors, to be appointed by the Parties.
- (2) The board of directors of the Foundation will consist of individuals providing national First Nations and Inuit representation, including Québec. The board of directors will include one director appointed by Canada. The director appointed by Canada will not be an employee or public servant of Canada.
- (3) The Foundation's directors shall supervise the activities and affairs of the Foundation, which will receive, hold, invest, manage, and disburse the Foundation's monies for the Foundation's purposes as described in the Settlement Agreement.

2.03 Advisory Board

- (1) The directors of the Foundation will be guided by an advisory board consisting of individuals, appointed by the directors, who provide regional representation, understanding and knowledge of the loss and revitalization of Indigenous languages, cultures, wellness, and heritage.

2.04 Funding

- (1) Canada will provide fifty million dollars (\$50,000,000.00) to the Foundation to fund the Foundation's activities. These funds will be paid to the Foundation within 30 days after the Implementation Date.
- (2) The Foundation will have a small administrative staff and will retain financial consultants to provide investment advice. Once funds have been invested, the expenses of the Foundation will be paid from its capital and its investment income.

2.05 Commemoration

- (1) In order to satisfy the Class Members' call for full and public disclosure of the truth, the Foundation shall take measures to commemorate and memorialize the harms caused

by the Indian Boarding Homes Program by creating a historical record that is accessible to the public for future study and use; this record is intended to be based on both investigation and testimony.

SECTION THREE

COMPENSATION FOR INDIVIDUAL CLAIMANTS

3.01 Payment to Primary Class Members

- (1) Payments shall be made to Eligible Claimants for general damages; specifically,
 - (a) a Category 1 Payment of \$10,000 for placement in the IBHP; and,
 - (b) a further Category 2 Payment in accordance with the Category 2 Compensation Grid.
- (2) A Claimant who applies for a Category 1 Payment may make a separate Application for a Category 2 Payment. A Claimant may not apply for more than one Category 2 Payment.

3.02 Transfer of Funds by Canada

Canada will transfer funds directly to the Claims Administrator to provide for payment to Eligible Claimants, as described in the Claims Process.

3.03 Social Benefits

- (1) Canada will make its best efforts to obtain the agreement of the provinces and territories that the receipt of any payments pursuant to this Agreement will not affect the quantity, nature or duration of any social benefits or social assistance benefits payable to a Primary Class Member pursuant to any legislation of any province or territory of Canada.
- (2) Further, Canada will make its best efforts to obtain the agreement of the necessary Departments of the Government of Canada that the receipt of any payments pursuant to

this Agreement will not affect the quantity, nature or duration of any social benefits or social assistance benefits payable to a Primary Class Member pursuant to any Canadian social benefit programs including Old Age Security and Canada Pension Plan.

SECTION FOUR

IMPLEMENTATION OF THIS AGREEMENT

4.01 Quebec Claim

An application to discontinue the Quebec Claim shall be filed within thirty (30) days of the Implementation Date, without costs and without conditions.

4.02 Federal Court Approval Order

The Parties agree that an Approval Order of this Settlement Agreement will be sought from the Federal Court substantially in the form attached as Schedule F and shall include the following provisions:

- (1) incorporating by reference this Agreement in its entirety including all Schedules;
- (2) ordering and declaring that the Approval Order is binding on all Primary Class Members and Family Class Members, including Persons Under Disability, unless they have opted out on or before the expiry of the Opt Out Period; and
- (3) ordering and declaring that on the expiry of the Opt Out Period, no Primary Class Members save and except those who have opted out on or before expiry of the Opt Out Period, and no Family Class Members may commence proceedings against Canada seeking compensation or other relief arising from or in relation to a Primary Class Member's participation in the Indian Boarding Homes Program.

SECTION FIVE

OPTING OUT

5.01 Right to Opt Out

Primary Class Members and Family Class Members have the right to opt out of the Class Action in accordance with the opt out procedures stipulated by the Court in an order to be obtained by the Parties approving a notice to the class of the certification of this action as a class proceeding and of the right to opt out.

5.02 Opt Out Threshold

If the number of Primary Class Members opting out of the Class Action exceeds 4,000, this Settlement Agreement will be void and the Approval Order will be set aside in its entirety subject only to the right of Canada, in its sole discretion, to waive compliance with this section. Canada has the right to waive compliance with this provision at any time, but within no more than thirty (30) days after the end of the Opt Out Period. The Opt Out Threshold does not include opt outs filed by Family Class Members.

SECTION SIX

PAYMENTS TO ESTATE EXECUTORS OR PERSONAL REPRESENTATIVES

6.01 Compensation if Deceased

(1) If a Primary Class Member died or dies on or after July 24, 2016, and an Application has been submitted to the Claims Administrator by a Claimant prior to the Primary Class Member's death, or by his or her Estate Executor after the Primary Class Member's death, the Estate Executor shall be paid the compensation to which the deceased Primary Class Member would have been entitled under this Settlement Agreement as if the Primary Class Member had not died. If there is no Estate Executor, the compensation to which the deceased Primary Class Member would have been entitled under this Settlement Agreement will be paid in accordance with a protocol to be agreed upon by the Parties and approved by the Court.

(2) No payment under this Settlement Agreement is available for Primary Class Members who died before July 24, 2016.

6.02 Person Under Disability

If a Primary Class Member who submitted an Application to the Claims Administrator within the Claims Deadline is or becomes a Person Under Disability prior to their receipt of compensation, the Personal Representative of the Primary Class Member will be paid the compensation to which the Primary Class Member would have been entitled under this Settlement Agreement

6.03 Canada, Claims Administrator, Class Counsel, Quebec Subclass Counsel, Independent Reviewer and Exceptions Committee and its Members, Held Harmless

Canada, the Claims Administrator, Class Counsel, Quebec Subclass Counsel, the Independent Reviewer and the Exceptions Committee and its members shall be held harmless from any and all claims, suits, actions, causes of action, or demands whatsoever by reason of or resulting from a payment to a Personal Representative or Estate Executor pursuant to this Settlement Agreement.

SECTION SEVEN

CLAIM PROCESS

7.01 Claims Process

The Claims Administrator will pay compensation to a Claimant provided that:

- a) the Application is submitted to the Claims Administrator in accordance with the provisions of this Agreement;
- b) the Application is received by the Claims Administrator prior to the Claim Deadline or any extension thereof;
- c) the Primary Class Member was alive on July 24, 2016; and
- d) an award of compensation has been approved in accordance with this

Agreement including the Claims Process.

7.02 Compensation for Primary Class Members

(1) It is the intention of the Parties that Category 1 Payments will be paid to all Eligible Claimants for the Primary Class Members' participation in the IBHP.

(2) It is the intention of the Parties that Category 2 Payments will be paid for Primary Class Members who suffered psychological, physical, and sexual abuse at the boarding home. The amount of the Category 2 Payments will be determined in accordance with the Category 2 Compensation Grid. Compensation will only be paid for Primary Class Members whose Applications have been approved as eligible for compensation in accordance with this Settlement Agreement.

7.03 Principles Governing Claims Administration

(1) The Claims Process is intended to be expeditious, cost-effective, user-friendly and culturally sensitive and respect Class Member's privacy. The intent is to minimize the burden on the Claimant in pursuing their claims and to mitigate any likelihood of re-traumatization through the Claims Process.

(2) The Claims Administrator, Independent Reviewer, and Exceptions Committee and its members, shall, in the absence of reasonable grounds to the contrary, assume that a Claimant is acting honestly and in good faith. In considering an Application, the Claims Administrator, Independent Reviewer, and Exceptions Committee and its members, shall draw all reasonable and favourable inferences that can be drawn in favour of the Claimant, as well as resolving any doubt as to whether a claim has been established in favour of the Claimant.

7.04 Request for Deadline Extension

(1) The Parties recognize that in extraordinary circumstances a Claimant should receive relief from the strict application of the Claim Deadline. Requests for Deadline Extension will be decided by the Exceptions Committee.

(2) The Request for Deadline Extension form will be a single form that includes all of the information required to support an Application as well as information as to why the Claim Deadline was not met by the Claimant.

(3) The deadline for making a Request for Deadline Extension will be six months after the Claim Deadline. A Request for Deadline Extension will not be considered if the Request for Deadline Extension is transmitted after that date.

7.05 Reconsideration

A Claimant whose Application is denied by the Claims Administrator may seek a reconsideration of the Application by the Independent Reviewer. A Claimant whose Application for a Category 2 Payment is assessed by the Claims Administrator at a level lower than the level the Claimant has identified in the Application may seek a reconsideration by the Independent Reviewer. The procedures for reconsideration will be set out in a protocol to be developed by the Parties and approved by the Court.

7.06 Referrals to the Exceptions Committee

(1) The Independent Reviewer shall refer an Application to the Exceptions Committee in the following circumstances:

- a) Where harm described in the Application is not contemplated in the Category 2 Compensation Grid; or
- b) Where the Independent Reviewer, is unable to determine that a Claimant is eligible for any compensation but, having regard to the object, intention and spirit of the Settlement Agreement, the circumstances are such that the Claimant, in the opinion of the Independent Reviewer, should receive compensation.

(2) The Independent Reviewer shall forward reasons for the referral, together with the Application being referred.

7.07 Finality of Decisions

(1) A decision of the Claims Administrator is final and binding upon the Claimant without any recourse or appeal, except as set out in the Settlement Agreement and Claims Process.

(2) A decision of the Independent Reviewer is final and binding upon the Claimant and the Claims Administrator without any recourse or appeal, except as set out in the Settlement Agreement and Claims Process.

(3) A decision of the Exceptions Committee is final and binding, and is not subject to any review, recourse or appeal.

SECTION EIGHT

THE CLAIMS ADMINISTRATOR

8.01 Duties of the Claims Administrator

The Claims Administrator's duties and responsibilities include the following:

- a) developing, installing, and implementing systems, forms, information, guidelines and procedures for processing and making decisions on Applications in accordance with this Agreement;
- b) developing, installing, and implementing systems and procedures for making payments of compensation in accordance with this Agreement;
- c) providing personnel in such reasonable numbers as are required for the performance of its duties, and training and instructing them;
- d) keeping or causing to be kept accurate accounts of its activities and its administration, preparing such financial statements, reports, and records as are required by the Court;
- e) reporting to the Exceptions Committee on a monthly basis respecting:

- i. Applications received and determined;
 - ii. Applications qualified outside the class period
- f) responding to enquiries respecting Applications, reviewing Applications and making decisions in respect of Applications and giving notice of decisions in accordance with this Agreement;
- g) communicating with Claimants in either English or French, as the Claimant elects, and if a Claimant expresses the desire to communicate in a language other than English or French, making best efforts to accommodate the Claimant;
- h) such other duties and responsibilities as the Court may from time to time direct.

8.02 Appointment of the Claims Administrator

The Claims Administrator will be appointed by the Court on the recommendation of the Parties.

8.03 Appointment of the Independent Reviewer

The Independent Reviewer will be appointed by the Court on the recommendation of the Parties.

8.04 Costs of Claims Process

The costs of the Claims Process including those of the Claims Administrator and the Independent Reviewer will be paid by Canada.

SECTION NINE

EXCEPTIONS COMMITTEE

9.01 Exceptions Committee

(1) There shall be an Exceptions Committee appointed by the Court consisting of five members: a Primary Class Member, one member of Class Counsel and one member of Quebec Subclass Counsel who participated in the negotiation of this Agreement, one of Canada's legal counsel who participated in the negotiation of this Agreement, and a former jurist agreed to by the Parties who will sit as chair.

(2) The Exceptions Committee shall endeavour to reach consensus. If consensus cannot be reached, the individual agreed to by the Parties to chair shall cast the deciding vote.

(3) Any of the five members to the Exceptions Committee may be substituted by agreement of the Parties.

(4) The Exceptions Committee is a monitoring body established under this Settlement Agreement with the following responsibilities:

- a) monitoring the work of the Claims Administrator and the Claims Process;
- b) receiving and considering reports from the Claims Administrator, including on administrative costs;
- c) giving such directions to the Claims Administrator as may, from time to time, be necessary;
- d) considering and determining any disputes between the Parties in relation to the implementation of this Agreement;
- e) deciding Requests for Deadline Extension;
- f) considering and determining any Applications referred to it by the

Independent Reviewer;

- g) referring to the Parties for determination and resolution, if appropriate and in a manner consistent with this Agreement, claims for compensation that were the subject of a report by the Claims Administrator under 9.01(e);
- h) dealing with any other matter referred to the Exceptions Committee by the Court.

(5) Canada will pay the costs of the Primary Class Member and former jurist appointed to the Exceptions Committee.

9.02 Dispute Resolution

The Parties agree that any dispute between them in relation to the implementation of this Agreement will be finally determined by the Exceptions Committee.

9.03 Decisions are Final and Binding

The decisions of the Exceptions Committee are final and binding.

9.04 Jurisdiction Limited

The Exceptions Committee will have no authority or jurisdiction to consider or determine matters other than as specifically set out in this Agreement. The Exceptions Committee is not a further level of appeal or review and has no jurisdiction to consider or determine motions or applications of any kind from Claimants or their counsel or anyone else. The Exceptions Committee has no jurisdiction to extend deadlines beyond those set out in this Agreement.

SECTION TEN

RELEASES

10.01 Primary Class Member Releases

The Approval Order issued by the Court will declare that:

(1) Each Primary Class Member or their Estate Executor or Personal Representative who has not opted out of the Class Action on or before the expiry of the Opt Out Period (hereinafter “Primary Class Releasers”) has fully, finally and forever released Canada, her servants, agents, officers and employees, from any and all actions, causes of action, common law, Quebec civil law and statutory liabilities, contracts, claims, and demands of every nature or kind available, asserted or which could have been asserted whether known or unknown including for damages, contribution, indemnity, costs, expenses, and interest which any such Primary Class Releaser ever had, now has, or may hereafter have, directly or indirectly, arising from or in any way relating to or by way of any subrogated or assigned right or otherwise in relation to the individual claims relating to Percival, and this release includes any such claim made or that could have been made in any proceeding, whether asserted directly by the Primary Class Releaser or by any other person, group, or legal entity on behalf of or as representative for the Primary Class Releaser.

(2) For greater certainty, Primary Class Releasers are deemed to agree that if they make any claim or demand or take any actions or proceedings against another person or persons in which any claim could arise against Canada for damages or contribution or indemnity and/or other relief over, whether by statute or the common law, Quebec civil law in relation to the individual claims under Percival, the Primary Class Releaser will expressly limit those claims so as to exclude any portion of Canada's responsibility.

(3) Upon a final determination of an Application made under and in accordance with the Claims Process, Primary Class Releasers are also deemed to agree to release the Parties, Class Counsel, Quebec Subclass Counsel and counsel for Canada, the Claims Administrator, and the Independent Reviewer with respect to any claims that arise or

could arise out of the application of the Claims Process, including but not limited to the sufficiency of the compensation received. Primary Class Releasors are not deemed to release any claim arising from the preparation of their individual Applications as against the lawyer or lawyers retained to assist them in the preparation of the Application.

10.02 Family Class Member Releases

The Approval Order issued by the Court will declare that:

(1) Each Family Class Member who has not opted out of the Class Action on or before the expiry of the Opt Out Period (“Family Class Releasors”) has fully, finally and forever released Canada, her servants, agents, officers and employees, from any and all actions, causes of action, common law, Quebec civil law and statutory liabilities, contracts, claims, and demands of every nature or kind available, asserted or which could have been asserted whether known or unknown including for damages, contribution, indemnity, costs, expenses, and interest which any such Family Class Releasor ever had, now has, or may hereafter have, directly or indirectly, arising from or in any way relating to or by way of any subrogated or assigned right or otherwise in relation to the individual claims under Percival, and this release includes any such claim made or that could have been made in any proceeding, whether asserted directly by the Family Class Releasor or by any other person, group, or legal entity on behalf of or as representative for the Family Class Releasor.

(2) For greater certainty, Family Class Releasors are deemed to agree that if they make any claim or demand or take any actions or proceedings against another person or persons in which any claim could arise against Canada for damages or contribution or indemnity and/or other relief over, whether by statute, the common law, or Quebec civil law, in relation to the individual claims under Percival, the Family Class Releasor will expressly limit those claims so as to exclude any portion of Canada's responsibility.

10.03 Deemed Consideration by Canada

Canada's obligations and liabilities under this Agreement constitute the consideration for the releases and other matters referred to in this Agreement and such consideration is in

full and final settlement and satisfaction of any and all claims referred to therein and the Primary Class Releasors and Family Class Releasors are limited to the benefits provided and compensation payable pursuant to this Agreement, in whole or in part, as their only recourse on account of any and all such actions, causes of actions, liabilities, claims, and demands.

SECTION ELEVEN

LEGAL FEES

11.01 Class Counsel and Quebec Subclass Counsel Fees

(1) Canada agrees to pay Class Counsel and Quebec Subclass Counsel collectively the amount the Court determines is fair and reasonable in respect of legal fees and disbursements for their past and future work on behalf of the class as a whole (“Class Counsel Fees”). Canada will pay this amount as directed in writing by Klein Lawyers LLP and Dionne Schulze SENC within the latest of: a) the Implementation Date; b) thirty (30) days after the date on which the Court makes its order as to Class Counsel Fees; c) thirty (30) days after the date of the final determination of any appeal brought in relation to the Class Counsel Fee order.

(2) No part of the Class Counsel Fee will be paid by Class Members and there will be no reduction in any amount payable to a Class Member to pay for Class Counsel Fees.

(3) Class Counsel and Quebec Subclass Counsel will jointly bring a motion for approval of a Class Counsel Fee. Canada will have the right to make responding submissions.

(4) If the Court approves this Agreement, the provisions of this Agreement will come into effect on the Implementation Date regardless of the date on which an order is made or appeal determined regarding Class Counsel Fees.

(5) Class Counsel and Quebec Subclass Counsel will continue to provide services for the benefit of the class after the Implementation Date on all matters related to the implementation and administration of this Settlement Agreement, including providing information and advice to class members, persons or organizations that serve class members, the media, and members of the public. No further or other Class Counsel Fee will be paid for those services. Individual fees, as provided for in Section 11.02, may be paid to Class Counsel or Quebec Subclass Counsel for assisting Claimants with the preparation of their individual claims.

11.02 Individual Legal Fees

(1) Claimants may retain the counsel of their choice to assist them with the preparation of their individual claims. If the Claimant has been assisted by a lawyer, Canada will pay the Claimant's lawyer an amount equal to 5% of the Claimant's Category 2 Payment plus applicable taxes without additional Court approval beyond the approval of this Agreement. Canada will pay up to an additional 5% of the Claimant's Category 2 Payment plus applicable taxes for legal fees and/or disbursements provided such amount is approved by the Federal Court in accordance with Rule 334.4 of the *Federal Courts Rules* and guidelines to be agreed upon by the Parties and approved by the Court.

(2) Canada will not pay any legal fees or disbursements associated with a claim for a Category 1 Payment.

(3) No amount, including for legal fees or disbursements, may be charged to Claimants in respect of compensation under this Settlement Agreement or any other advice relating to this Settlement Agreement unless prior Court approval of such amounts has been obtained by motion to the Court and on notice to the Parties.

11.03 No Other Fees to be Charged

The Parties agree that it is their intention that all payments to Primary Class Members under this Agreement are to be made without any deductions on account of legal fees or disbursements.

SECTION TWELVE

CLASS MEMBERS SUPPORT

12.01 Class members support

Canada agrees that Class members covered by this Agreement will have access to existing Government of Canada mental health and emotional support services and agrees to make those services available to those who are resolving claims under this Agreement.

SECTION THIRTEEN

TERMINATION AND OTHER CONDITIONS

13.01 Termination of Agreement

This Agreement will continue in full force and effect until all obligations under this Agreement are fulfilled.

13.02 Amendments

Except as expressly provided in this Agreement, no amendment may be made to this Agreement unless agreed to by the Parties in writing and approved by the Federal Court.

13.03 No Assignment

(1) No amount payable under this Agreement can be assigned and any such assignment is null and void except as expressly provided for in this Agreement.

(2) Payment will be made to each Claimant by direct deposit or by cheque mailed to his or her home address. Where the Claimant is deceased or is a Person Under Disability, payment will be made to their Estate Executor or Personal Representative by direct deposit or by cheque.

SECTION FOURTEEN

CONFIDENTIALITY

14.01 Confidentiality

(1) Any information provided, created or obtained in the course of this settlement, whether written or oral, will be kept confidential by the Parties, Class Counsel and Quebec Subclass Counsel, all Primary Class Members and Family Class Members, the Claims Administrator and the Independent Reviewer and will not be used for any purpose other than this Agreement unless otherwise agreed by the Parties.

(2) Except as may otherwise be agreed between the Parties, the undertaking of confidentiality as to the discussions and all communications, whether written or oral, made in and surrounding the negotiations leading to the Agreement in Principle and this Agreement continues in force.

14.02 Destruction of Primary Class Member Information and Records

The Claims Administrator will destroy all Primary Class Member information and documentation in its possession on a schedule beginning no sooner than two years after completing the compensation payments, according to a protocol to be developed by the Parties and approved by the Court. The protocol to be approved by the Court will provide a right for a Class Member or their Estate Executor or Personal Representative to specifically request the return to them of their information and documentation by the Claims Administrator.

SECTION FIFTEEN

COOPERATION

15.01 Cooperation with Canada

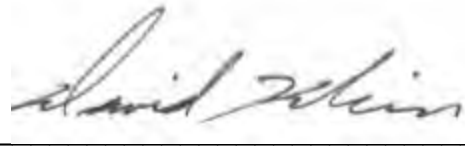
Upon execution of this Agreement, the representative plaintiffs appointed in Percival, Class Counsel and Quebec Subclass Counsel will cooperate with Canada and make

best efforts to obtain approval of this Agreement and to obtain the support and participation of Primary Class Members and Family Class Members in all aspects of this Agreement.

15.02 Public Announcements

At the time agreed upon, the Parties will make public announcements in support of this Agreement and continue to speak publicly in favour of the Agreement.

IN WITNESS WHEREOF the Parties have executed this Settlement Agreement as of this _____ day of June, 2023.



For the Representative Plaintiffs,
Reginald Percival, Allan Medrick
McKay, Iona Teena McKay, and
Lorna Watts

By their counsel, David A. Klein



For the Quebec Subclass
Representative Plaintiff, Kenneth
Weistche

By his counsel, David Schulze

**Bess,
Darlene**

Digitally signed by
Bess, Darlene
Date: 2023.06.14
16:29:08 -04'00'

For the Defendant,

Darlene Bess
Chief, Finances, Results and Delivery
Officer,
Crown-Indigenous Relations and
Northern Affairs Canada

Schedule A

**FEDERAL COURT
CLASS PROCEEDING**

BETWEEN:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY, IONA TEENA MCKAY AND
LORNA WATTS

Plaintiffs

and

HIS MAJESTY THE KING

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

AGREEMENT IN PRINCIPLE

PREAMBLE

1. WHEREAS this class action was certified on consent by order of Madam Justice Strickland, dated June 28, 2019 (the "Certification Order");
2. AND WHEREAS a dispute resolution conference was held in this proceeding in Toronto before Madam Justice Strickland on November 14-16, 2022, and December 6-7, 2022 (the "Dispute Resolution Conference");
3. AND WHEREAS the Parties have reached this Agreement in Principle at the Dispute Resolution Conference and have committed to work together to prepare a final settlement



agreement (the "Settlement Agreement") and supporting documents for claims administration and notice;

THE PARTIES AGREE AS FOLLOWS:

CLASS DEFINITION AND CLASS PERIOD

4. The class definition is as defined in the Certification Order, but it shall be modified to be temporally bounded to include a class period with a start date of September 1, 1951 and an end date of June 30, 1992.

5. There may be individuals who fall within the class definition but outside the class period. The Settlement Agreement will include a procedure for those individuals to participate in the settlement. For greater certainty, band or private placements are not included.

INDIVIDUAL COMPENSATION

6. Payments shall be made to eligible Primary Class Members ("Claimants") for general damages in accordance with a compensation grid.

7. The claims determination process will be simple, user-friendly, and culturally sensitive. The intent is to minimize the burden on the Claimants in pursuing their claims and to mitigate any likelihood of re-traumatization through the claims process. In the absence of reasonable grounds to the contrary, it will be assumed that a Claimant is acting honestly and in good faith. In considering a claim, all reasonable and favourable inferences that can be drawn in favour of the Claimant shall be drawn. Any doubt as to whether a claim has been established shall be resolved in favour of the Claimant.

8. There will be no limit or cap on Canada's total obligation to pay approved claims. All approved claims will be paid fully by Canada.



9. Claimants may apply for Category 1 compensation and make a separate application for Category 2 compensation. This will facilitate prompt payments to Claimants receiving awards under Category 1, and allow Claimants additional time to prepare claims under Category 2 if they wish.

10. There will be a deadline by which Claimants must submit Category 1 and 2 claims, subject to any provision in the Settlement Agreement for extension of the claims deadlines.

11. A Claimant may qualify for payment under both Category 1 and Category 2. Claimants will not, however, qualify for more than one payment under Category 2.

12. Upon submission of a simple application, every class member will be eligible for a Category 1 payment of \$10,000 for placement in a boarding home by Canada.

13. Claimants may apply for Category 2 compensation in accordance with a five-level grid as follows:

2A - \$10,000

2B - \$50,000

2C - \$100,000

2D - \$150,000

2E - \$200,000

Criteria for each level will be in the Settlement Agreement reflecting increasing degrees of severity of abuse.

14. Claimants will specify the level of compensation claimed (i.e., Category 2 A, B, C, D, or E). The Claims Administrator will have authority to award compensation at a higher or lower level than the one specified by the Claimant in their claim form and may request further information from the Claimant with respect to the claim. A reconsideration process will be developed for Claimants who were awarded a lower level of compensation than they applied for.

15. The Parties specifically agree that the payments for both Category 1 and Category 2 are in the nature of non-pecuniary damages and not referable to income.



COMMEMORATION, HEALING, LANGUAGES AND CULTURE

16. A foundation will be created to further the objects of commemoration, healing, languages and culture (the "Foundation"). Canada will support reconciliation projects for the benefit of class members including payment of \$50 million to be administered by the Foundation. The precise terms of the reconciliation projects and work of the Foundation will be subject to further negotiation by the Parties; however, the objectives of the Foundation will not include the generation of profit.

NOTICE AND ADMINISTRATION

17. The Parties shall jointly agree on a notice program and administration process to be paid for by Canada.

CLASS MEMBER SUPPORT AND ASSISTANCE

18. The Parties will agree to culturally sensitive health, information, and other supports to be provided to Claimants for the duration of the claims process as well as funding to deliver support to Claimants who suffer or may suffer trauma, to be paid by Canada.

RELEASES

19. The class members agree to release Canada from any and all claims that have been pleaded or could have been pleaded with respect to this action and agree to limit any claims against any third parties to prevent the third party from claiming over against Canada

SETTLEMENT APPROVAL

20. The Parties agree that the Settlement Agreement shall be approved in the Federal Court.

Handwritten signatures in black ink, including a stylized signature on the left and a signature with the initials 'AM' on the right.

PARALLEL PROCEEDINGS

21. The Parties shall co-operate to obtain the stay or dismissal or other suitable final disposition of related class proceedings in other jurisdictions covered by the Settlement Agreement. The Parties are presently aware of only one such action, filed in the Quebec Superior Court as *Anne Smith v. Attorney General of Canada*, District of Montreal, Court File No. 500-06-00812-160.

EXCEPTIONAL CIRCUMSTANCES

22. The Parties agree to establish a mechanism to consider exceptional circumstances that may arise out of the claims process.

SOCIAL BENEFITS

23. Canada will make its best efforts to obtain the agreement of the provinces and territories that the receipt of any payments pursuant to the Settlement Agreement will not affect the quantity, nature, or duration of any social benefits or social assistance benefits payment to a Claimant pursuant to any legislation of any province or territory of Canada.

24. Canada will make its best efforts to obtain the agreement of the necessary federal government departments that the receipt of any payments pursuant to the Settlement Agreement will not affect the quantity, nature or duration of any social benefits or social assistance benefits payable to a Claimant pursuant to any social benefit program of Canada such as Old Age Security and Canada Pension Plan.

FAMILY CLASS

25. The Family Class Members shall not receive direct compensation under the Settlement Agreement but rather such claims will be recognized and addressed by the indirect compensation made available through reconciliation projects supported by the Foundation.



ESTATE CLAIMS

26. The Parties shall work collaboratively with the Claims Administrator to design claims forms and procedures to permit claims to be made by representatives of deceased Primary Class Members. The intention of such procedures is to provide a cost-effective procedure for the surviving family members of a deceased Primary Class Member to obtain compensation on behalf of the Class Member even where the Class Member did not leave a will.

27. Estate claims can be made where the deceased Class Member was alive on or after July 24, 2016.

INDIVIDUAL LEGAL SERVICES TO CLASS MEMBERS

28. If the Claimant has been assisted by a lawyer, Canada will pay the Claimant's lawyer an amount equal to 5% of the Claimant's Category 2 award plus applicable taxes without additional Court approval beyond the approval of the Settlement Agreement. Canada may pay up to an additional 5% of the Claimant's Category 2 award plus applicable taxes for legal fees and/or disbursements provided such amount is approved by the Federal Court in accordance with Rule 334.4 and guidelines to be agreed by the Parties and approved by the Court. Canada will not pay any legal fees or disbursements associated with a claim under Category 1.

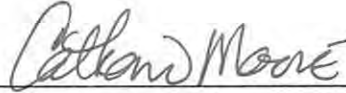
LEGAL FEES FOR CLASS COUNSEL

29. The Parties will enter into a separate agreement ("Fee Agreement") as to the legal fees, disbursements and related taxes owing to Class Counsel and Quebec Subclass Counsel in relation to the work 1) on the common issues up to the date of settlement approval, and 2) for the benefit of the Class during the implementation of the settlement. Approval of the Settlement Agreement is not contingent on approval of the Fee Agreement.

Two handwritten signatures are present at the bottom right of the page. The signature on the left is written in dark ink and appears to be 'ZJR'. The signature on the right is written in blue ink and appears to be 'AM'.

Signed at Toronto this 7th day of December, 2022

His Majesty the King ("Canada"), as represented by the
Attorney General of Canada by:



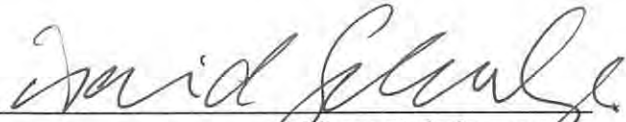
Attorney General of Canada
For the Defendant

The Plaintiffs, as represented by Class Counsel by:



Klein Lawyers LLP
For the Plaintiffs

Kenneth Weistche, as represented by Quebec Subclass
Counsel by:



Dionne Schulze, s.e.n.c.
For the Quebec Subclass

Schedule B

Schedule B
Category 2 Compensation Grid

Category 2A \$10,000.00

- Sexual comments or sexualized provocation
- Unreasonable or disproportionate acts of discipline or punishment
- One or more incidents of mocking, denigration (such as belittling or abusive language), humiliation or shaming
- Threats of violence or intimidating statements or gestures
- One incident of abuse, such as:
 - unreasonable confinement (e.g., being locked in a room)
 - being deprived of food, medical care, adequate clothing, heating or bedding
 - being forced to do unpaid labour (in excess of normal domestic tasks)
 - being forced to consume alcohol, narcotics or noxious substances
 - being prevented from attending school

Category 2B \$50,000.00

- One or more incidents of:
 - Forced exposure to pornography
 - Nude photographs taken
 - Individuals exposing themselves
 - Touching genitals or private parts (directly or through clothing), fondling or kissing
 - Simulated intercourse
- One or more physical assaults causing:
 - Serious but temporary harm (such as a black eye, bruise, abrasion, laceration, or incapacitation that led to or should have led to bed rest)
 - Minor impairment or disfigurement that was not permanent (such as loss of consciousness or broken bones, loss of or damage to teeth)
- Two or more incidents of abuse, such as:
 - unreasonable confinement (e.g., being locked in a room)
 - being deprived of food, medical care, adequate clothing, heating or bedding
 - being forced to do unpaid labour (in excess of normal domestic tasks)
 - being forced to consume alcohol, narcotics or noxious substances

- being prevented from attending school

Category 2C \$100,000.00

- One incident of:
 - Masturbation
 - Oral or attempted oral intercourse
 - Attempted penetration (including vaginal or anal, digital penetration or penetration with an object)
- Recurring physical assaults causing:
 - Serious but temporary harm (such as a black eye, bruise, abrasion, laceration or incapacitation that led to or should have led to bed rest)
 - Minor impairment or disfigurement that was not permanent (such as loss of consciousness, broken bones, loss of or damage to teeth)

Category 2D \$150,000.00

- One incident of penetration (including vaginal or anal, digital penetration or penetration with an object)
- Two or more incidents of:
 - Attempted oral intercourse
 - Attempted penetration
- One or more physical assaults causing permanent or long-term mental or physical impairment, injury or disfigurement

Category 2E \$200,000.00

- Two or more incidents of:
 - Masturbation
 - Oral intercourse
 - Penetration (including vaginal or anal, digital penetration or penetration with an object)
- Any pregnancy resulting from an incident of sexual assault (including pregnancy interrupted by miscarriage or therapeutic abortion)
- One or more physical assaults causing permanent mobility loss or brain injury

Schedule C

**FEDERAL COURT
PROPOSED CLASS PROCEEDING**

BETWEEN:

e-document	T-1417-18
F I L E D	FEDERAL COURT COUR FÉDÉRALE
	Jul 24, 2018
	Joyce Fan
Vancouver, BC	

REGISTRATION NO. 1417-18-0001
DIAL PERCIVAL, ALLAN MEDRICK MCKAY,
TEENA MCKAY AND LORNA WATTS

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

STATEMENT OF CLAIM

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defense in Form 171B prescribed by the Federal Courts Rules, serve it on the plaintiffs' solicitor or, where the plaintiffs do not have a solicitor, serve it on the plaintiffs, and file it, with proof of service, at a local office of this Court, WITHIN 30 DAYS after this statement of claim is served on you, if you are served within Canada.

If you are served in the United States of America, the period for serving and filing your statement of defense is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defense is sixty days.

Copies of the Federal Courts Rules, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Date: _____

Issued by: _____
(Registry Officer)

Address of local office: Pacific Centre
P.O. Box 10065
701 West Georgia Street,
Vancouver, British Columbia
V7Y 1B6

TO: Her Majesty the Queen
Office of the Deputy Attorney General of Canada
British Columbia Regional Office
Department of Justice Canada
900 – 840 Howe Street,
Vancouver, British Columbia
V6Z 2S9

Relief Sought

1. The Plaintiffs, Reginald Percival, Allan Medrick McKay, Iona Teena McKay and Lorna Watts, claim on their own behalf and on behalf of a class of similarly situated persons:
 - a. an order certifying this action as a class proceeding and appointing Reginald Percival, Allan Medrick McKay, Iona Teena McKay and Lorna Watts as representative plaintiffs under the Federal Courts Rules, SOR/98-106;
 - b. general damages plus damages equal to the costs of administering the plan of distribution;
 - c. special damages in an amount to be determined, including but not limited to past and future medical expenses and out-of-pocket expenses;
 - d. exemplary and punitive damages;
 - e. punitive damages pursuant to the *Charter of Human Rights and Freedoms*, CQLR c C-12 and the *Civil Code of Quebec*, CQLR c C-1991;
 - f. disgorgement by the Defendant of its profits;
 - g. recovery of health care costs incurred by the Ministry of Health and its predecessor Ministries and Departments and other provincial and territorial health insurers on behalf of the Plaintiffs and other Class Members pursuant to the *Health Care Costs Recovery Act*, SBC 2008, c 27 and comparable legislation in the other provinces and territories;
 - h. damages pursuant to the *Family Law Act*, RSO 1990 c F-3 and comparable legislation in other provinces and territories;
 - i. pre-judgment and post-judgment interest;
 - j. costs; and
 - k. such further and other relief as this Honourable Court may deem just.

Nature of this Action

2. This action concerns the establishment, implementation, administration and management by the Defendant, Her Majesty the Queen (“Canada”), of the Boarding Home Program for Indian Students, an educational program designed to advance Canada’s policy of culturally assimilating Indigenous persons into mainstream Canadian society.

3. Pursuant to the Boarding Home Program for Indian Students, Indigenous children and adolescents (collectively “children”) were forcibly removed from their families and Indigenous communities by Canada and then transported to urban communities to stay with boarding families and to attend public, non-Indigenous schools.

4. Canada placed the Indigenous children in boarding homes primarily with non-Indigenous families and, at times, with Indigenous families belonging to a different First Nation, Inuit ethnic group or ancestral Métis community than their own. Canada screened and monitored the boarding homes and provided funding, for each Indigenous child in care, to those that operated the boarding homes.

5. As a consequence of the Boarding Home Program, Indigenous children were separated by large geographical distances from their families and communities and were unreasonably denied access to their language, culture, traditions, customs and aboriginal and treaty rights and benefits.

6. The individuals operating the boarding homes were often predators who inflicted physical, sexual, emotional and psychological abuse on the Indigenous children they housed. And the children were often subjected to child slavery and unpaid labour. Canada knew of this abuse and tolerated, acquiesced and, in some cases, encouraged it. Canada failed to remove Indigenous children from abusive boarding homes in a timely manner or at all.

7. At all material times, Canada had a duty to protect and preserve the culture and identity of the Indigenous children. Canada also had a duty to prevent injury to Indigenous children and to ensure their mental and physical health and well-being.

8. Canada’s conduct and the conduct of its servants in establishing, implementing, administering and managing the Boarding Home Program for Indian Students caused extreme and ongoing harm to the Plaintiffs and other class members.

9. Class members experienced a loss of their Indigenous culture, language and identity, suffered extreme sexual, physical and psychological abuse and lost the opportunity to exercise

their aboriginal and treaty rights. These harms continue to have devastating intergenerational effects on Indigenous families and communities.

Parties and Class

10. The Plaintiff, Reginald Percival, is an Indian as defined by the *Indian Act*, RSC 1985, c I-5 and a member of the Nisga'a Nation. Pursuant to the Boarding Home Program for Indian Students, Canada forcibly removed Mr. Percival from his family and Nisga'a community when he was 13 years old. Mr. Percival currently resides in Gitlaxt'aamiks, British Columbia.

11. The Plaintiff, Iona Teena McKay, is an Indian as defined by the *Indian Act*, RSC 1985, c I-5 and a member of the Nisga'a Nation. Pursuant to the Boarding Home Program for Indian Students, Canada forcibly removed Ms. McKay from her family and Nisga'a community when she was 12 years old. Ms. McKay currently resides in Terrace, British Columbia.

12. The Plaintiff, Allan Medrick McKay, is an Indian as defined by the *Indian Act*, RSC 1985, c I-5 and a member of the Nisga'a Nation. Pursuant to the Boarding Home Program for Indian Students, Canada forcibly removed Mr. McKay from his family and Nisga'a community when he was 14 years old. Mr. McKay currently resides in Terrace, British Columbia.

13. The Plaintiff, Lorna Watts, is an Indian as defined by the *Indian Act*, RSC 1985, c I-5 and a member of the Nisga'a Nation. Pursuant to the Boarding Home Program for Indian Students, Canada forcibly removed Ms. Watts from her family and Nisga'a community when she was 12 years old. Ms. Watts currently resides in Kincolith, British Columbia.

14. After their apprehension by Canada, the Plaintiffs were all placed in boarding homes with non-Indigenous and non-Nisga'a families in urban communities across British Columbia.

15. From a time prior to contact with Europeans to the present, the Nisga'a Nation has sustained its people, communities and distinctive culture by exercising Nisga'a laws, customs and traditions in relation to citizenship, adoption, family care, marriage, property and use of resources.

16. The Plaintiffs bring this action on their own behalf and on behalf of a proposed class of Indigenous persons in Canada who were taken from their families and Indigenous communities and placed in boarding homes with non-Indigenous families or with Indigenous families belonging to a different First Nation, Inuit ethnic group or ancestral Métis community than their own (“Class Members”, to be further defined in the Plaintiffs’ application for class certification). The Class is composed of Indians, Inuit and Métis persons.

17. The Plaintiffs and Class Members are aboriginals within the meaning of section 35 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982 c 11. The Plaintiffs and Class Members’ aboriginal and treaty rights existed and were exercised at all relevant times pursuant to section 35 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982 c 11.

18. The Plaintiffs also bring this action on behalf of each person who, by reason of his or her relationship to a Class Member, is entitled by legislation to make a claim as a result of injury to the Class Member (collectively “Secondary Class Members”). This legislation includes but is not limited to the *Family Law Act*, RSO 1990, c F-3; the *Tort-Feasors Act*, RSA 2000, c T-5; *The Tortfeasors and Contributory Negligence Act*, CCSM, c T-90; the *Tortfeasors Act*, RS 1989, c 471; the *Tortfeasors Act*, RSNB 2011, c 231; the *Civil Code of Quebec*; comparable legislation in other provinces and territories; and the common law.

19. The Defendant Canada was, at all relevant times, responsible for the administration of the *Indian Act*, RSC 1985, c I-5 and its predecessor statutes. Canada has exclusive jurisdiction in respect of Indigenous persons pursuant to section 91(24) of the *Constitution Act, 1867*, 30 & 31 Victoria, c 3 (UK) and the common law.

20. Canada’s liability arises from its negligence and breach of fiduciary duty, and from the conduct, negligence and malfeasance of individuals who were at all material times Canada’s employees, agents and servants. Canada had authority and control over these employees, agents and servants and is vicariously liable for their torts and for the damage caused by their faults,

pursuant to section 3 of the *Crown Liability and Proceedings Act*, RSC 1985, c C-50 and its predecessor legislation.

The Boarding Home Program for Indian Students

21. In or around the early 1950s, Canada determined that the assimilation of Indigenous children into mainstream Canadian society could be accelerated if Indigenous students were removed from Indigenous communities or segregated residential schools and put into public provincial schools in urban municipalities. To further this policy objective, Canada created and implemented the Boarding Home Program for Indian Students.

22. The Boarding Home Program for Indian Students operated throughout Canada and continued until the early 1980s.

23. At all relevant times, the program was operated, administered and maintained by Canada's Department of Indian Affairs and Northern Development and its predecessor Ministries and Departments.

24. To facilitate the implementation of the Boarding Home Program, Canada sought out boarding homes for the children, offering funding for the room and board of each Indigenous child in care.

25. Canada also entered into agreements with the provinces and territories pursuant to which the provinces and territories would permit Indigenous children to attend provincial and territorial public schools, and Canada would provide payments to the provinces and territories to cover the cost of tuition, books and supplies for each Indigenous child in attendance.

26. Pursuant to the Boarding Home Program, Canada apprehended Indian, Inuit and Métis children, transported them to urban municipalities and placed them in boarding homes to live with strangers – sometimes hundreds of kilometres from their families and Indigenous communities.

Student Experiences

Loss of Culture

27. Canada's conduct in the creation, administration, maintenance, funding and operation of the Boarding Home Program for Indian Students furthered Canada's policy of forcibly assimilating Indigenous peoples, and it systematically eradicated the culture, society, language, customs, traditions, practices and spirituality of the Plaintiffs and other Class Members.

28. Pursuant to the Boarding Home Program, Class Members were forced to live in boarding homes for extended stays – sometimes for years – far removed from their families, cultural communities and language.

29. Class Members were expected to assimilate into non-Indigenous culture and were taught to be ashamed of their Indigenous culture and identity.

30. Given the significant change in their environment, Class Members often suffered from culture shock, accompanied by depression and anxiety.

31. Class Members were discouraged or forbidden from maintaining contact with their Indigenous families. Given the geographical distance of the urban boarding homes from many Indigenous communities, the families of Class Members were often unable to visit. And when families did undertake the expense and lengthy travel to visit, they were often denied the ability to see and interact with their loved ones.

32. Class Members were denied any reasonable opportunity to practice and maintain their Indigenous identity, language, culture, rights, customs and traditions. The boarding home families did not speak Indigenous languages and did not teach Class Members about their Indigenous cultural traditions and practices.

33. Class Members were often deprived of their aboriginal and treaty rights and monetary benefits to which they were entitled under the *Indian Act* and related legislation and policies.

34. The denial of familial and cultural connections caused significant emotional and financial harm for the Plaintiffs and other Class Members.

Physical, Sexual and Psychological Abuse

35. The Boarding Home Program for Indian Students was poorly executed and managed. Canada insufficiently vetted boarding homes and failed to ensure that Indigenous students in the care of boarding home families were safe and secure. Consequently, Class Members were subjected to egregious physical, sexual, emotional and psychological abuse perpetrated by their boarding home families. This abuse was systemic and existed within the Boarding Home Program at large.

36. Through its policies, acts and omissions, Canada created an environment where abuse of Class Members was commonplace, condoned and, arguably, encouraged.

37. Given the financial incentive for hosting Indigenous students, boarding home families often housed more students than they had room for. Students were often housed in overcrowded conditions, often with other students and often segregated from the boarding home family's primary living space, either through locks or through physical restraints.

38. Class Members – children and adolescents – were repeated fondled, raped and sodomized by members of their boarding home families.

39. Class Members – children and adolescents – were frequently required to perform fellatio on members of their boarding home families.

40. Class Members were frequently beaten by members of their boarding home families and subjected to racism and psychological abuse.

41. Class Members were often required to perform slave labour for their boarding home families.

42. Many Class Members were malnourished as they were not fed nutritional meals and, often, were denied food for extended periods of time. The fridges in boarding homes were often padlocked.

43. Class Members often had no one to report the abuse and other harm to. When abuse and other injustices were reported to counsellors and other servants of Canada, no meaningful and timely action was taken to safeguard Class Members against further abuse and harm. And the perpetrators were not sufficiently punished.

Representative Plaintiffs

Reginald Percival

44. Mr. Percival was born on August 13, 1955 in Gitlaxt'aamiks, British Columbia.

45. As a young child and in order to avoid being sent to a residential school or boarding home, Mr. Percival's parents often hid him to evade his apprehension by agents of Canada.

46. However, at the age of 13 – one week after his father died in a logging accident – Mr. Percival and about 500 other Nisga'a children were apprehended by Canada pursuant to the Boarding Home Program for Indian Students. The children were forced to leave their families and Nisga'a communities and were transported by bus loads to municipalities in British Columbia and Alberta, far from their Nisga'a homes. Mr. Percival recalls the sea of children being led onto the buses.

47. Mr. Percival felt scared and alone.

48. When Mr. Percival's bus arrived in Vancouver, a counsellor from Indian Affairs and Northern Development called out his name and the names of the other children, and they were matched with their boarding home families. Mr. Percival never again saw most of the children who were apprehended that day.

49. Mr. Percival's boarding home family was non-Indigenous. When Mr. Percival first met them, they threw his bag in the back of their pick-up truck and told him to climb in the back with

his bag. They then drove off without saying anything further to Mr. Percival. He recalls sitting in the back of the truck, petrified as the truck sped off. He wondered if he would ever again see his family and his Nisga'a community.

50. When Mr. Percival arrived at his boarding home in Surrey, British Columbia, he was told that he would be staying in the basement of the house with four other boarding home children. He and the other children were segregated from his boarding home family and rarely able to interact with them.

51. Mr. Percival recalls the extreme racism he endured at the hands of his boarding home family. He frequently heard his boarding home parents say that they "were getting back their taxes" by housing Indian children.

52. Mr. Percival's boarding home family did not speak his Nisga'a language. Neither did the other children in the boarding home. Mr. Percival's boarding home parents discouraged any contact with his family and denied Mr. Percival any reasonable opportunity to practice his Nisga'a language, culture, customs, heritage and traditions. He was also denied any reasonable opportunity to practice his aboriginal rights as a Nisga'a member.

53. Mr. Percival was, in reality, forced to forget his Nisga'a language and culture and "act white" in order to survive. He didn't feel like a person. He was known in many contexts only by his "number": 6770042601.

54. Mr. Percival's boarding home family would often keep the monthly allowance he received from Canada – \$20 – which was meant to buy clothes and other necessities.

55. Mr. Percival attended Johnston Heights Secondary School in Surrey where he encountered physical and verbal abuse from the non-Indigenous students. On Mr. Percival's first day there, one of the older students called him a "squaw". Before he could react, Mr. Percival's shirt was grabbed from behind by a teacher. The teacher told him that any retaliatory action on his part would result in him being kicked out of school.

56. Mr. Percival was frequently called a “dumb Indian” and a “dirty Indian” by both students and teachers and was often beaten up by non-Indigenous students. These students were defended by the teachers even when the teachers heard the students’ racist insults. Mr. Percival recalls the teachers simply smirking and allowing the violence to continue.

57. The non-Indigenous students at the school would throw food at the back of Mr. Percival’s head during lunch break.

58. Mr. Percival was never allowed to play sports. He was never invited to or allowed to participate in any track and field events and was made to sit on the bench during basketball games. His non-Indigenous peers were never treated this way.

59. The racism Mr. Percival experienced every day at Johnston Heights Secondary School caused him to feel ashamed of his Nisga’a identity. He never felt like he belonged at the school or anywhere. He felt alone, anxious and depressed.

60. Despite his constant complaints to his counsellor from Indian Affairs and Northern Development, neither the counsellor nor any other servant of Canada intervened or otherwise tried to help Mr. Percival. Consequently, he internalized his pain and became too ashamed to talk about his experiences.

61. Eventually, alone and overwhelmed by shame, he turned to alcohol to ease his pain.

62. Mr. Percival did not return home immediately after completing the Boarding Home Program for Indian Students – he did not feel that he had a home to return to.

63. After completing post-secondary education, Mr. Percival worked with the Union of BC Indian Chiefs in Vancouver. He returned to Gitlaxt’aamiks when he was offered a position with the Nisga’a Health Authority in 1989. He was 34.

64. On returning home to his family and Nisga'a community, Mr. Percival felt displaced and isolated. The emotional and physical separation from his family and community at such a young age had permanently impacted his ability to fit in with his Nisga'a family and community.

65. As a result of Canada's Boarding Home Program for Indian Students, Mr. Percival lost his Nisga'a language, identity, heritage and culture. He also lost monetary benefits to which he was entitled under the *Indian Act*.

66. It's taken Mr. Percival several years to rebuild his place in his Nisga'a community. He has undergone counselling and now acts as a counsellor for others who are survivors of the Boarding Home Program and the residential school system. Mr. Percival also works as an Administrative Review Officer for the Nisga'a Lisims Government.

67. Mr. Percival continues to be haunted by his Boarding Home Program experience and has for years struggled with depression and anxiety. He has nightmares about being taken away from his family – and still hears the cries of the parents as their children were herded onto the buses.

68. Mr. Percival's depression and anxiety prevented him from bringing an action against Canada in respect of his injury, damage or loss caused by the Boarding Home Program for Indian Students. Mr. Percival has always felt silenced and has never felt safe or capable of sharing his experiences.

69. It was only in the summer of 2018, after meeting several other survivors of the Boarding Home Program and hearing their stories of abuse and loss of culture, that he felt compelled to give a public voice to their stories. The support of his Nisga'a community had the effect of sufficiently stabilizing his depression and anxiety so he could consider commencing this litigation.

Iona Teena McKay

70. Ms. McKay was born on October 10, 1955 in Laxgalts'ap, British Columbia.

71. Although her father had successfully hidden Ms. McKay in her early years to avoid her apprehension, Ms. McKay was apprehended by Canada when she was 12. Ms. McKay and her family were advised that she was being apprehended pursuant to the Boarding Home Program for Indian Students, and that she would be sent to live with a boarding home family elsewhere to attend public school.

72. Ms. McKay recalls being incapacitated by fear and deep sadness. Not only was she being taken from her family, she was, at age 12, about to be transported to a whole new life.

73. Ms. McKay was transported by boat and then bus, along with several other Indigenous children, to Terrace, British Columbia, to start her new life.

74. When she arrived in Terrace, Ms. McKay was met by a counsellor from Indian Affairs and Northern Development. She was told that she would be living with a non-Indigenous family from Holland.

75. Ms. McKay's boarding home family was racist and treated her like a second-class citizen.

76. In addition to the psychological abuse Ms. McKay had to endure, she was physically and sexually abused by her boarding home father.

77. On one occasion, Ms. McKay snuck out of the house to watch a movie. After being caught, her boarding home father beat her repeatedly with his belt. As he was doing so, he told her that she was "stupid" and that she would "be like every other Indian in this world – waiting in the welfare line".

78. One night, while Ms. McKay was asleep, her boarding home father came into her room and started fondling her labia and clitoris before inserting his fingers into her vagina. Ms. McKay was petrified.

79. When Ms. McKay disclosed the sexual assault to her boarding home mother, her boarding home mother called Ms. McKay – only 12 – a "dirty Indian whore" and kicked her out of their home.

80. Ms. McKay reported the abuse to her Indian Affairs and Northern Development counsellor. To Ms. McKay's knowledge, her boarding home father was never punished.

81. After being kicked out of her first boarding home, Ms. McKay's counsellor sent Ms. McKay to live with another boarding home family in Terrace.

82. Ms. McKay endured psychological and sexual abuse in her new boarding home.

83. Ms. McKay had two boarding home brothers at this second home. The older brother would often come into Ms. McKay's bedroom at night while he was naked and drunk. Every night, Ms. McKay felt terrified – worried that he would come into her room naked again.

84. Once, Ms. McKay awoke from her sleep to find herself being raped by the younger of her two boarding home brothers. He was lying naked on top of her, his penis inside her, with his hand over her mouth to prevent her from screaming. She was 14.

85. Eventually, Ms. McKay was put into a third boarding home where she remained until she finished grade 12.

86. Ms. McKay's school teachers and fellow students were racist and mean. She was often bullied.

87. Ms. McKay felt ashamed, isolated and hopeless. At the age of 13 she started turning to alcohol and drugs to numb her pain.

88. Ms. McKay suffered from extreme depression and suicidal ideation. She began taking anti-depressants.

89. At age 16, Ms. McKay tried to kill herself.

90. Ms. McKay didn't ever feel at home in Terrace. None of her boarding home families spoke her Nisga'a language and they didn't know or understand her culture.

91. While in the Boarding Home Program for Indian Students, Ms. McKay was denied any reasonable opportunity to maintain contact with her family and her Nisga'a community. She was denied any reasonable opportunity to learn and practice her Nisga'a language, culture, customs, heritage and traditions. She was also denied any reasonable opportunity to practice her aboriginal rights as a Nisga'a member.

92. When Ms. McKay returned to Laxgalts'ap after grade 12, she was disheartened to still feel alone and isolated. Laxgalts'ap no longer felt like the home she'd remembered. She didn't speak the language or know the customs of her Nisga'a people.

93. As a result of Canada's Boarding Home Program for Indian Students, Ms. McKay lost her Nisga'a identity, language, heritage customs and culture. She also lost monetary benefits to which she was entitled under the *Indian Act*.

94. As a consequence of her experiences in the Boarding Home Program, Ms. McKay never had the opportunity to learn life skills or parenting skills from her parents. Because of this and because of the sexual and physical abuse she endured, Ms. McKay was not able to properly parent her children.

95. To this day, Ms. McKay suffers from extreme depression and anxiety. Ms. McKay regularly seeks mental health support for the ongoing impacts of the sexual and physical abuse she endured and the trauma of having been torn away from her biological family. Ms. McKay lives her life in fear and keeps herself isolated within her home.

96. Ms. McKay's depression and anxiety were so severe that they prevented her from bringing an action against Canada in respect of her injury, damage or loss caused by her apprehension by Canada and placement in the Boarding Home Program for Indian Students. Ms. McKay's interests and circumstances were so pressing that she could not reasonably commence an action.

97. It was not until the summer of 2018, after meeting with Mr. Percival and other Nisga'a Boarding Home survivors, that she finally felt sufficiently supported to share her experience and to try and bring about resolution and healing for herself and other Class Members.

Allan McKay

98. Mr. McKay was born on June 22, 1953 in Middle Bay, British Columbia. When he was a young child, his family moved to Laxgalts'ap.

99. When Mr. McKay was 13, he was apprehended by Canada pursuant to the Boarding Home Program for Indian Students. He was terrified, having never left his family or Nisga'a community before.

100. Mr. McKay was sent by train, along with approximately 40 other Indigenous children, to Mission, British Columbia, to live with a non-Indigenous boarding home family and to attend a predominantly non-Indigenous school.

101. Mr. McKay's first boarding home family was an elderly couple. The couple hosted four other boarding home students. The couple noted, on numerous occasions, that they were boarding the students because they needed money to make their mortgage payments.

102. Mr. McKay and the other children were confined to the basement of the house and were allowed upstairs only to eat.

103. In this home, he endured child slavery, constant racism and psychological abuse.

104. The couple used Mr. McKay and the other children as free labour to renovate their "fixer-upper" homes. Once the fixer-upper was renovated, the couple would sell the home and move to another fixer-upper, which Mr. McKay and the other children would renovate. And the cycle continued. Mr. McKay and the other children never received any pay for their work on these houses.

105. Mr. McKay also experienced extreme culture shock. Moving from his small Nisga'a community to a primarily Caucasian urban city – and attending a large school – was overwhelming. Within 6 weeks, Mr. McKay collapsed from exhaustion and was put on bed rest for 2 weeks.

106. At school, Mr. McKay and the other children experienced severe racism from the non-Indigenous students. They were called names such as “dirty drunken Indians” and were constantly bullied. Mr. McKay was often challenged to fist fights after school. The teachers encouraged these fights.

107. Eventually, Mr. McKay was moved to a home in Port Moody with a non-Indigenous family. Again, he endured constant racism and psychological abuse.

108. While at this home, he was required to share a bed with other boarding home students. One night, Mr. McKay woke up to find another male student, naked in bed next to him, trying to rape him.

109. In his third boarding home, he was malnourished and constantly denied food. His boarding home family kept a padlock on the fridge; only the family had access to the food.

110. Mr. McKay then lived with a boarding home family in Prince Rupert. He continued to endure racism and psychological abuse.

111. No matter where Mr. McKay lived, he was an outcast. He was unloved – housed only to earn money for his boarding home families.

112. In grade 11, feeling desperate and alone, Mr. McKay turned to drugs and alcohol to numb his pain. He dropped out of school.

113. While in the Boarding Home Program for Indian Students, Mr. McKay was denied any reasonable opportunity to maintain contact with his family and his Nisga'a community.

114. Mr. McKay was denied any reasonable opportunity to practice his aboriginal rights as a Nisga'a member. And he was denied any reasonable opportunity to practice his Nisga'a language, culture, customs, heritage and traditions.

115. Mr. McKay lost his ability to speak his Nisga'a language. And, having been unable to participate in the Nisga'a feasts growing up, failed to learn the Nisga'a way of life. He lost his Nisga'a identity. Mr. McKay also lost monetary benefits to which he was entitled under the *Indian Act*.

116. Suffering from alcoholism and depression, Mr. McKay chose to be a fisherman in Prince Rupert and remain distant from his Nisga'a people, believing he would never again fit in.

117. When Mr. McKay finally returned to Laxgalts'ap in his late 20s, he felt alone and unable to fit in with his Nisga'a community.

118. Because Mr. McKay's life was void of nurturing and love during his formative years, he never learned to give and receive love. It is difficult for Mr. McKay to form bonds with people and to maintain relationships. His Boarding Home Program experience has left him with permanent emotional scars.

119. Mr. McKay has worked for decades to better himself and to learn his Nisga'a language and culture. He quit drinking and, at 46, graduated from high school. He has become a Hereditary Chief of his Nisga'a people.

120. To this day, Mr. McKay suffers from depression and regularly attends counselling sessions to help him cope. His depression is triggered by memories of his time living in boarding homes.

121. Mr. McKay's interests and circumstances were so pressing that he could not reasonably consider commencing an action against Canada in respect of his injury, damage or loss caused by

his apprehension by Canada and his placement in the Boarding Home Program for Indian Students.

122. It was not until the summer of 2018, after meeting with Mr. Percival and other Nisga'a Boarding Home survivors, that he felt capable of telling his story of survival and commencing this litigation.

Lorna Watts

123. Ms. Watts was born on October 7, 1955 in Kincolith, British Columbia.

124. Ms. Watts was apprehended by Canada when she was 12. She and several other Indigenous children were put onto boats and taken to Prince Rupert. She remembers the pain and fear she felt that day, being taken from her parents at such a young age.

125. From Prince Rupert, Ms. Watts and other Indigenous children were taken by bus to Burnaby, British Columbia. Ms. Watts recalls the children being herded off the buses.

126. The children were met by a counsellor for the Department of Indian Affairs and Northern Development. The children had numbers taped on their bodies and it was by this number – not their names – that the counsellor called the children and matched them to their respective boarding home families. Ms. Watts remembers feeling not only scared, but also embarrassed. She felt like an animal, not a child.

127. Ms. Watts' siblings had also been on the bus, but she was not allowed to say goodbye to them before she was taken away by her boarding home family.

128. Ms. Watts was boarded with a non-Indigenous family, along with three other female children. Her boarding home parents were racist and abusive.

129. When Ms. Watts and the other girls arrived, they were required to sprinkle the insecticide dichlorodiphenyltrichloroethane (DDT) on their beds, being told they “may have bugs on their bodies from the reserve”.

130. Ms. Watts and the other girls had long black hair. Ms. Watts’ boarding home mother suspected that one of the girls had lice, so Ms. Watts and the other girls were forced to get short, boyish haircuts. Ms. Watts recalls sobbing as her cut hair fell to the floor; long, braided hair was a source of pride in her Nisga’a community.

131. Ms. Watts and the other girls were confined to the basement of the house. The basement had no heating; it was damp and cold.

132. Ms. Watts and the other girls were fed insufficient amounts of food by their boarding home parents and became malnourished. They were not allowed to eat meals with their boarding home parents. Instead, their plates were left on a tray at the top of the stairs to the basement. Their boarding home mother would holler when the tray was placed, and Ms. Watts or one of the other children would retrieve the tray. Since the small table in the basement could only seat two, Ms. Watts and the other girls would take turns eating.

133. After dinner, Ms. Watts and the girls were always given wine to drink. They were told it was “non-alcoholic dinner wine.” They were also told not to tell anyone about the wine – it was a “secret”.

134. At the insistence of their boarding home father, they were ordered by their boarding home mother to sleep naked.

135. The boarding home father would come into the basement at night to watch Ms. Watts and the other girls sleep. Ms. Watts suspects that, while in a deep sleep from the wine, their boarding home father would sexually abuse them.

136. Ms. Watts told an older schoolmate about how she and the other girls were being treated at the boarding home. The older student informed the school counsellor and, eventually, Ms. Watts and the other girls were removed from the home.

137. Ms. Watts was sent to live with another non-Indigenous boarding home family in Burnaby. This family was racist. The family frequently referred to Ms. Watts as “squaw” and, in fact, rarely called her by her name.

138. Ms. Watts had to share a bed with another boarding home student.

139. Ms. Watts was required to sleep in the unheated basement, and she was required to hide from any household guests.

140. Ms. Watts’ boarding home parents used her for free labour. Ms. Watts was expected to do all of the household chores and was constantly required to squeeze tubs of grapes to make wine. Ms. Watts would serve her boarding home family meals in the dining room, and then was relegated to the kitchen to eat whatever was left in the pots and pans. Ms. Watts felt like a slave.

141. Her boarding home parents kept Ms. Watts’ allowance that she was given by Canada – which was meant to allow Ms. Watts money for clothes and other necessities. On one occasion, Ms. Watts and another boarding home student, Darlene, noticed a mug with money in it and a piece of paper that said “Lorna and Darlene’s allowance”. They took the money believing that it was theirs. Later, they were apprehended by the police for stealing the money. The boarding home family threatened punishment and more chores when the police took Ms. Watts and Darlene back to the house.

142. When Ms. Watts was approximately 14, she was sent to live in her third boarding home with a young non-Indigenous couple in New Westminster, British Columbia.

143. Ms. Watts was again used as free child labour. She was expected to get up early in the morning to pick bushels of fruit. She was told she would get paid depending on how much she picked. She was never paid for the work she did.

144. Once, when her boarding home mother left for the day, her boarding home father's brother got naked and approached Ms. Watts who screamed and ran upstairs.

145. Ms. Watts was eventually moved to another non-Indigenous boarding home in Terrace.

146. Ms. Watts recalls being treated like a servant in this house. She was regularly late to school because she was expected to do several chores before she could leave the house in the morning.

147. By this time, Ms. Watts was 16 and struggling with depression. She started to skip classes in the hope that she would be expelled from school and removed from the home. When this finally happened, the boarding home father kicked her and told her that he didn't want "her kind" in his house again.

148. At the various schools she attended, Ms. Watts was surrounded by non-Indigenous students and teachers who constantly subjected her to racist jokes and remarks. She always felt like an outsider.

149. As a young teenager, Ms. Watts turned to alcohol to cope. She felt worthless, uncared for and alone.

150. Later in her life, Ms. Watts found out that her biological family had been trying to contact her throughout the years that she was gone. She was never told about any of their messages.

151. While in the Boarding Home Program for Indian Students, Ms. Watts was denied any reasonable opportunity to maintain contact with her family and her Nisga'a community. She was denied any reasonable opportunity to learn and practice her Nisga'a language, culture, customs, heritage and traditions. She was also denied any reasonable opportunity to practice her aboriginal rights as a Nisga'a member.

152. When Ms. Watts finally returned to Kincolith in her late teens, she felt isolated. She had changed so much that her grandmother did not recognize her. She felt like a stranger in her own community. She didn't speak the Nisga'a language or know the customs of her Nisga'a people.

153. As a result of Canada's Boarding Home Program for Indian Students, Ms. Watts lost her Nisga'a identity, language, heritage customs and culture. She also lost monetary benefits to which she was entitled under the *Indian Act*.

154. Ms. Watts' experiences in the Boarding Home Program have left her emotionally scarred.

155. To this day, Ms. Watts suffers from depression. She was regularly attending counselling sessions but had to stop because it was too painful to speak about her experiences in boarding homes. She also struggles to maintain employment.

156. Ms. Watts struggled with alcoholism for much of her life and was only able to stop when her husband became ill and needed her to care for him.

157. Ms. Watts still has nightmares about her years in the Boarding Home Program. Her interests and circumstances were so pressing that she could not reasonably consider commencing an action against Canada in respect of her injury, damage or loss caused by her apprehension by Canada and her placement in the Boarding Home Program for Indian Students.

158. It was not until the summer of 2018, after meeting with Mr. Percival and other Nisga'a Boarding Home survivors, that she felt capable of telling her story of survival and commencing this litigation. She wants to bring about closure and healing for her and the other Boarding Home Program survivors.

Duties of the Defendant

Generally

159. In establishing, implementing, administering and managing the Boarding Home Program for Indian Students, Canada had a duty to protect and preserve the identity, culture, language, heritage, religion, rights, spirituality and traditions of the Plaintiffs and other Class Members. Canada also had a duty to ensure the safety and well-being of the Plaintiffs and other Class Members, and to ensure that that the boarding homes in which they were placed were free of physical, sexual, psychological and emotional abuse.

160. Indigenous people are entitled to a special duty of care, good faith, honesty and loyalty from Canada.

161. At all relevant times, Canada was responsible for:

- a. the administration of the *Indian Act*, RSC 1985, c I-5 and its predecessor statutes as well as any other statutes relating to Indians and all Regulations promulgated under these Acts and their predecessors;
- b. the promotion of the physical and mental health, safety and well-being of the Plaintiffs and other Class Members;
- c. the management, operation and administration of the Department of Indian Affairs and Northern Development and its predecessor Ministries and Departments;
- d. the decisions of, procedures of, regulations promulgated by, and operations and actions taken by the Department of Indian Affairs and Northern Development, its employees, servants, officers and agents and their predecessors;
- e. the hiring and supervision of employees, officers and management at the Department of Indian Affairs and Northern Development and its predecessor Ministries and Departments, including the Indian Commissioner and including the counsellors who dealt directly with the Plaintiffs and other Class Members, all of whom were Canada's servants and agents and all of whom were within Canada's direction and control;

- f. the establishment, creation, operation, management, maintenance and administration of the Boarding Home Program for Indian Students;
- g. the vetting, financing and supervision of the boarding homes which housed the Plaintiffs and other Class Members;
- h. the financing of Indigenous education; and
- i. the preservation of the aboriginal and treaty rights of the Plaintiffs and other Class Members, including the right to:
 - i. retain their status as Indians;
 - ii. benefit from Indigenous laws, customs and traditions in relation to education, citizenship, adoption, family care, marriage, property and use of resources;
 - iii. retain and practice their culture, religion, language and traditions;
 - iv. fully learn their culture, religion, language and traditions from their families and communities; and
 - v. obtain monetary benefits under the *Indian Act*, RSC 1985, c I – 5 and its predecessor statutes and related legislation and policies.

Fiduciary Duty

162. Canada stands in a fiduciary relationship with Canada's Indigenous peoples. Canada's relationship with the Plaintiffs and other Class Members was, at all material times, one of dependence, trust and reliance; Canada had undertaken to act in the best interests of the Plaintiffs and other Class Members.

163. Canada has an ongoing obligation to consult with Indigenous peoples on matters relevant to their interests.

164. At all material times, the Plaintiffs and other Class Members were particularly vulnerable and – being children taken away from their families, homes and Indigenous communities – were in need of protection. With respect to these Class Members, Canada assumed *loco parentis* responsibility for their care and supervision while they were part of the Boarding Home Program for Indian Students.

165. The health and welfare of the Plaintiffs and other Class Members and their Indigenous identity and culture were legal or substantial practical interests of the Plaintiffs and other Class Members. Canada was required to take steps to safeguard, monitor, preserve, secure and protect these interests.

166. At all material times, Canada assumed such a degree of discretionary control over the protection and preservation of the health, welfare, identity and culture of the Plaintiffs and other Class Members that it amounted to a direct administration of those interests. The protection and preservation of the health, welfare, identity and culture of the Plaintiffs and other Class Members were within the power, discretion or control of Canada and were subject to the unilateral exercise of Canada's power, discretion or control.

167. Canada's fiduciary duty owed to the Plaintiffs and other Class Members was, at all material times, a non-delegable duty.

Common Law Duty

168. At all material times, Canada owed a common law duty of care to the Plaintiffs and other Class Members, who were unwilling participants in the Boarding Home Program for Indian Students, to take steps to prevent them from losing their Indigenous identity and culture and to ensure their physical and mental safety and well-being.

169. Canada had a duty to consult with Indigenous communities regarding the provision of educational programs to Indigenous children. A special relationship – to which the law attached a duty of care – existed as between Canada and Indigenous communities. This special relationship, by extension, existed as between Canada and Class Members, all of whom were apprehended, pursuant to an educational program, and placed in boarding homes.

170. In the alternative, a common law duty of care arose by virtue of the relationship of proximity that existed between Canada and Class Members.

171. There is a long-standing historical and constitutional relationship between Canada and Indigenous peoples that has evolved into a unique and important relationship premised on trust.

172. At all material times, the Plaintiffs and other Class Members were under Canada's reasonable care and control. The Plaintiffs and other Class Members reasonably expected that they would not be harmed – physically, sexually, psychologically, culturally and emotionally – while participating in Canada's Boarding Home Program for Indian Students. The Plaintiffs and Class Members were, while living in boarding homes, wards of Canada. A relationship of proximity existed as between Canada and Class Members.

173. Given the relationship of proximity that existed between Canada and Class Members, Canada knew or ought to have known that a failure on its part to take reasonable care in establishing, implementing, administering and managing the Boarding Home Program for Indian Students would cause significant harm to the Plaintiffs and other Class Members.

174. Canada was required to exercise a reasonable standard of care in establishing, implementing, administering and managing the Boarding Home Program for Indian Students. The standard of care required by Canada included but was not limited to:

- a. taking proper and reasonable steps to prevent injury to the Plaintiffs and other Class Members' health, safety and well-being;
- b. ensuring that boarding homes were environments free from racism and sexual, physical, emotional and psychological abuse;
- c. ensuring that the language, culture, identity, religion, heritage, customs and rights of the Plaintiffs and other Class Members were protected and preserved;
- d. ensuring that adequate services and resources were provided to the Plaintiffs and other Class Members to enable them to exercise, practice and maintain their language, culture, identity, religion, heritage, customs and rights;
- e. preventing the cultural assimilation of the Plaintiffs and other Class Members;
- f. preserving and protecting the Plaintiffs' and other Class Members' monetary benefits under the *Indian Act*, RSC 1985 c I-5 and its predecessor statutes and related legislation and policies;
- g. consulting with Indian Bands and other Indigenous stakeholders about the Boarding Home Program for Indian Students;

- h. ensuring that counsellors and other staff who administered and managed the Boarding Home Program for Indian Students – all of whom were Canada’s servants and agents and all of whom were within Canada’s direction and control – were appropriately trained and educated and understood that the abuse of Class Members would not be tolerated;
- i. ensuring that staff was sufficiently supervised;
- j. using reasonable care in the establishment, implementation, administration and management of the Boarding Home Program for Indian Students;
- k. establishing, implementing and enforcing appropriate policies, guidelines and procedures to ensure that the Plaintiffs and other Class Members would be free from sexual, physical, emotional, cultural and psychological abuse;
- l. ensuring that sufficient systems were in place for reporting incidents of abuse and other harms;
- m. investigating and addressing complaints and allegations of abuse and other harms in a timely manner; and
- n. ensuring that perpetrators of abuse and other harms were appropriately punished.

Breach of the Defendant’s Duties

175. With respect to the Plaintiffs and other Class Members who participated in the Boarding Home Program for Indian Students, Canada and its servants breached its duties by, among other things:

- a. failing to take proper and reasonable steps to prevent injury to the Plaintiffs and other Class Members’ health, safety and well-being;
- b. failing to prevent the systemic sexual, physical, emotional and psychological abuse of the Plaintiffs and other Class Members;
- c. failing to establish, implement and enforce appropriate policies, guidelines and procedures to ensure that the Plaintiffs and other Class Members would be free from sexual, physical, emotional and psychological abuse;
- d. failing to ensure that the Boarding Home Program for Indian Students delivered appropriate child welfare and educational services for Indigenous children;

- e. supporting or acquiescing in the apprehension and removal of the Plaintiffs and other Class Members from their Indigenous families and communities;
- f. failing to take reasonable steps to prevent the Plaintiffs and other Class Members from being placed in the care of non-Indigenous boarding homes or in boarding homes with Indigenous families belonging to a different First Nation, Inuit ethnic group or ancestral Métis community than their own;
- g. having occupied a position analogous to that of a parent, failing to establish and maintain systems to protect the Plaintiffs and other Class Members as a good parent should;
- h. failing to take reasonable steps to prevent the Plaintiffs and other Class Members from losing their Indigenous identity and culture;
- i. failing to ensure that adequate services and resources were provided to the Plaintiffs and other Class Members to enable them to exercise, practice and maintain their Indigenous language, culture, identity, religion, heritage, customs and rights during the period of placement in boarding homes;
- j. supporting or acquiescing in denying the Plaintiffs and other Class Members a reasonable opportunity to exercise their rights as Indigenous peoples, including their aboriginal and treaty rights;
- k. failing to take reasonable steps to preserve and protect the Plaintiffs' and other Class Members' monetary benefits under the *Indian Act*, RSC 1985 c I-5 and its predecessor statutes and related legislation and policies
- l. failing to ameliorate the harmful effects of the Boarding Homes Program for Indian Students;
- m. failing to ensure that Indigenous children were made aware of their aboriginal and treaty rights;
- n. permitting unqualified and otherwise unsuitable individuals operate boarding homes without adequate screening and supervision;
- o. failing to protect the Plaintiffs and other Class Members from harm and injury while they were resident in boarding homes;
- p. failing to properly monitor and oversee the provision of funding it made to the Boarding Home Program for Indian Students;

- q. failing to properly monitor and oversee the provision of funding it made to boarding home families;
- r. failing to properly monitor and oversee the provision of funding it made to provincial and territorial public schools;
- s. failing to establish, implement and enforce appropriate policies, guidelines and procedures to ensure that the Plaintiffs and other Class Members would have reasonable access to their families and Indigenous communities;
- t. failing to ameliorate the harmful effects to the Plaintiffs and other Class Members of extended stays away from their families and Indigenous communities;
- u. failing to ensure that Boarding Home Program staff and staff of the Department of Indian Affairs and Northern Development and its predecessor Ministries and Departments was appropriately trained and educated and understood that the abuse of Class Members would not be tolerated;
- v. failing to ensure that Boarding Home Program staff and staff of the Department of Indian Affairs and Northern Development and its predecessor Ministries and Departments was appropriately supervised;
- w. failing to consult with Indigenous communities and other Indigenous stakeholders about the Boarding Home Program for Indian Students, the provision of funding to the program for that purpose, and the policies and practices that would be adopted in operating and administering that program;
- x. actively promoting a policy of cultural assimilation;
- y. investigating and addressing complaints and allegations of abuse and other harms in a timely manner; and
- z. ensuring that perpetrators of abuse and other harms were appropriately punished.

176. The acts and omissions of Canada were systemic and were acts of fundamental disloyalty and betrayal to the Plaintiffs and other Class Members.

177. Canada's conduct was in breach of its constitutional obligations arising under section 91(24) of the *Constitution Act, 1867*, 30 & 31 Victoria, c 3 (UK) and section 35 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982 c 11.

178. Pursuant to the *Crown Liability and Proceedings Act*, RSC 1985, c C-50 and its predecessor legislation, Canada is vicariously liable for the negligent acts and omissions of its employees, servants and agents.

International Law

179. On November 12, 2010, Canada issued a statement of support for the *United Nations Declaration on the Rights of Indigenous Peoples* (“UNDRIP”). The actions of Canada in establishing, implementing, administering and managing the Boarding Home Program for Indian Students were contrary to the spirit of UNDRIP as well as the commitments set out in Article 1 and Article 8 of UNDRIP.

180. Article 1 of UNDRIP states:

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

181. Article 8 of UNDRIP states:

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - a. Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - b. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - c. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - d. Any form of forced assimilation or integration;
 - e. Any form of propaganda designed to promote or incite racial or ethnic

discrimination directed against them.

Ongoing Loss and Damage

182. The Plaintiffs and other Class Members are Indigenous persons who, as children, enjoyed or were entitled to enjoy aboriginal and treaty rights, including the right to:

- a. benefit from Indigenous laws, customs and traditions in relation to education, citizenship, adoption, family care, marriage, property and use of resources;
- b. retain and practice their Indigenous culture, religion, language, heritage and traditions; and
- c. fully learn their Indigenous culture, religion, language, heritage and traditions from their families and communities.

183. As a consequence of Canada's breaches of its fiduciary and common law duties and the fault and negligence of its servants, as set out above, the Plaintiffs and other Class Members were and are subjected to ongoing damage. Particulars of the past and ongoing loss or damage suffered by the Plaintiffs and other Class Members include:

- a. loss of their Indigenous culture and identity;
- b. loss of their Indigenous customs, language, heritage, religion, spirituality and traditions;
- c. loss of the opportunity to exercise their aboriginal rights;
- d. loss of the opportunity to exercise their treaty rights;
- e. loss of the opportunity to participate in traditional methods of education;
- f. loss of their status as Indians;
- g. isolation from their families, Indigenous communities and traditional homelands;
- h. physical, sexual, emotional, spiritual and psychological abuse and suffering;
- i. post-traumatic stress disorder;
- j. loss of self-esteem and diminished self-worth;
- k. repeated and ongoing nightmares;
- l. depression;

- m. anxiety;
- n. difficulty in coping with emotional stress;
- o. suicidal ideation;
- p. attempted suicide;
- q. feelings of guilt, responsibility, and self-blame;
- r. nervous shock;
- s. mental anguish;
- t. insomnia;
- u. forced cultural assimilation;
- v. deprivation of one's ability to pass one's culture and identity on to one's children;
- w. social dysfunctionality, failed relationships and alienation from family, spouses and children;
- x. loss of ability to obtain proper education or employment;
- y. loss of income, loss of competitive advantage in the employment field, loss of income earning potential and loss of income earning capacity;
- z. loss of ability to parent;
- aa. addiction, including addiction to alcohol, prescription and non-prescription drugs;
- bb. pain and suffering;
- cc. loss of consortium;
- dd. loss of enjoyment of life; and
- ee. the cost of psychological, psychiatric and medical treatment, including but not limited to the cost of counselling, rehabilitation, therapy, medication and hospitalization.

184. As a consequence of Canada's breaches of its fiduciary and common law duties and the fault and negligence of its servants, as set out above, Secondary Class Members have also sustained and will continue to sustain injury, loss and damages, including but not limited to:

- a. actual expenses reasonably incurred for the benefit of Class Members;
- b. actual expenses incurred while supporting Class Members during counselling and/or recovery; and

- c. loss of income and/or the value of services provided by Secondary Class Members to Class Members, where such services, including nursing and housekeeping, have been provided.

185. Secondary Class Members seek compensation for the costs set out in paragraph 184 as well as compensation for loss of support, guidance, consortium, care and companionship that they might reasonably have expected to have received from Class Members. Such loss and damage was reasonably foreseeable by Canada

Punitive Damages

186. A punitive damage award in this case is necessary to express society's condemnation of Canada's conduct and to achieve the goals of both general and specific deterrence.

187. The conduct of Canada was systemic, deliberate, lasted for decades and represented a marked departure from ordinary standards of decent behaviour. Canada had detailed knowledge of the breach of aboriginal and treaty rights and the widespread psychological, emotional, sexual and cultural abuses of the Plaintiffs and other Class Members. Despite this knowledge, Canada did nothing to remedy the situation and continued to administer the Boarding Home Program for Indian Students, thus continuing to permit the perpetration of grievous harm to the Plaintiffs and other Class Members. Canada deliberately planned the eradication of the identity, language, religion and culture of the Plaintiffs and other Class Members.

188. Canada's acts and omissions and the acts of omissions of its agents and servants, as set out in detail in this claim, showed a callous disregard for the rights and well-being of the Plaintiffs and other Class Members.

189. Compensatory damages are insufficient in this case. The conduct of Canada merits punishment and warrants a claim for punitive damages.

Disgorgement

190. The Plaintiffs and other Class Members were deprived of financial benefits to which they were entitled pursuant to the *Indian Act*, RSC 1985, c I-5 and its predecessor legislation and policies. Canada wrongly retained these monies and the value of these benefits.

191. Canada should be required to disgorge the profits and other financial benefits that it inequitably acquired by virtue of its wrongful acts and omissions.

Québec Class Members

192. Where the acts and omissions of Canada and its servants took place in Québec, they constituted fault giving rise to extra-contractual liability pursuant to the *Civil Code of Québec*, CQLR, c CCQ-1991 and pursuant to the *Crown Liability and Proceedings Act*, RSC 1985, c C-50 and the *Interpretation Act*, RSC 1985, c I-21 and any predecessor legislation. The conduct of Canada and its servants also constituted unlawful and intentional interference with the rights of Québec Class Members within the meaning of the *Charter of Human Rights and Freedoms*, CQLR c C-12 and any predecessor legislation.

193. Canada is liable to pay damages, including punitive damages, to the Québec Class Members pursuant to the *Civil Code of Québec*, CQLR, c CCQ-1991 and any predecessor legislation.

Legislation

194. The Plaintiffs and other Class Members plead and rely upon the common law and various statutes and regulations, including but not limited to:

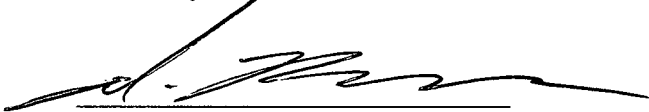
- a. *Charter of Human Rights and Freedoms*, CQLR c C-12;
- b. *Civil Code of Quebec*, CQLR, c CCQ-1991;
- c. *Constitution Act, 1867*, 30 & 31 Victoria, c 3 (UK);
- d. *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982 c 11;
- e. *Crown Liability Act*, SC 1952-53, c 30;
- f. *Crown Liability and Proceedings Act*, RSC 1985, c C-50;

- g. *Family Law Act*, RSO 1990 c F-3;
- h. *Federal Courts Act*, RSC 1985, c F-7;
- i. *Federal Courts Rules*, SOR/98-107;
- j. *Health Care Costs Recovery Act*, SBC 2008, c 27;
- k. *Indian Act*, RSC 1951, c 149;
- l. *Indian Act*, RSC 1985, c I-5;
- m. *Interpretation Act*, RSC 1985, c I-21;
- n. *Limitation Act*, SBC 2012, c 13;
- o. *The Tortfeasors and Contributory Negligence Act*, CCSM, c T-90;
- p. *Tortfeasors Act*, RS 1989, c 471;
- q. *Tort-Feasors Act*, RSA 2000, c T-5;
- r. *Tortfeasors Act*, RSNB 2011, c 231; and
- s. All other comparable and relevant acts and regulations in Canada and their predecessor legislation;

Place of Trial

The Plaintiffs propose that this action be tried at the City of Vancouver, in the Province of British Columbia.

Date: July 23, 2018



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Schedule D

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL
N°: 500-06-000812-160

SUPERIOR COURT
Class Action

Wiichihiiwewin Centre of Waskaganish

Applicant

and

Anne Smith

Designated Member

[...]

v.

Attorney General of Canada

Respondent

[...]

**RE-AMENDED (fifth modification) APPLICATION FOR AUTHORIZATION TO
INSTITUTE A CLASS ACTION AND TO OBTAIN THE STATUS OF
REPRESENTATIVE
(Art. 571 *et seq.*, C.C.P.)**

**TO ONE OF THE JUDGES OF THE SUPERIOR COURT, SITTING IN THE PRACTICE
DIVISION FOR THE DISTRICT OF MONTREAL, THE APPLICANT RESPECTFULLY
SUBMITS THE FOLLOWING:**

The applicant Wiichihiiwewin Centre of Waskaganish (“the Applicant”), an association constituted as a legal person of which Anne Smith (a pseudonym) is a designated member, requests authorization to proceed with a class action on behalf of persons in the group described below, of which Anne Smith is a member, specifically:

Description of the Primary Class

[...] “Aboriginal children and adolescents who, when they were domiciled or residents in Québec, were billeted by the Government of Canada with families other than their own, or in [...] boarding

homes (the “Primary Class”). The Primary Class excludes the claims released against the Government of Canada in respect of institutions covered by Schedules E and F of the Indian Residential Schools Settlement Agreement”; and

Description of the Family Class

“All persons who are a spouse or former spouse, child, grandchild or sibling of a member of the Primary Class and who suffered material and/or moral damages as a result of injury to the Primary Class Members (the “Family Class”)”. [...]

1. Overview

- 1.1. Every year from the time she turned █ in 1965, federal civil servants took Anne from her home in the Cree village of Rupert House (now Waskaganish), Quebec, to put her in Indian Residential School (IRS) in Fort George, Quebec, some 550 kilometers away.
- 1.2. Anne was a direct victim of the fact that, as the Prime Minister stated in his 2008 apology: “For more than a century, Indian Residential Schools separated over 150,000 Aboriginal children from their families and communities,” produced as Exhibit P-1.
- 1.3. The year Anne turned 14 or 15, federal officials decided there was no room for her at the residence and billeted her with the ██████████. In that home, Anne was molested by ██████████ and raped by their ██████████.
- 1.4. Anne received no compensation for the abuse under the Indian Residential Schools Settlement Agreement (IRSSA): she received a final decision on June 21, 2016, that when federal civil servants placed her in the private home where she was raped, their decision on her accommodation had the effect of removing her from the scope of the Agreement – even though she continued to attend the same school as before, hundreds of kilometers from her home.
- 1.5. Anne was not alone: more than 100 other students from the Cree villages of Rupert House, Paint Hills (now Wemindji), Eastmain and Fort George were also billeted with families living in Fort George, while continuing to attend the same federally-operated school as when they were in residence. Several individuals from Waskaganish who were billeted with other families have described physical and sexual abuse they suffered in those homes.
- 1.6. A similar situation existed in Mistissini (then known as Mistassini) in the 1970s, where children from Mistissini and other surrounding communities were billeted in

families living in Mistissini, while attending the federal Indian day school in the community. Several individuals billeted with families in Mistissini have also described physical and sexual abuse they suffered in those homes.

- 1.7. Moreover, the federal government used its jurisdiction over primary and secondary education for Aboriginal children to impose on them a variety of other forms of placement outside their own homes while they were at school, such as boarding homes, hostels and residences, none of which meet the definition of residential schools under the IRSSA, but where students also suffered abuse.
- 1.8. This action concerns the establishment, implementation, administration and management by Canada of those placement programs for Aboriginal children and youth, which consisted of educational programs designed to advance Canada's policy of culturally assimilating Aboriginal persons into mainstream Canadian society.
- 1.9. As a result of those placements, Aboriginal children were separated by large distances from their families and communities and were unreasonably denied access to their language, culture, identity, religion, heritage and customs.
- 1.10. Through the implementation of those placement programs, Canada severely damaged the identities of those children who were billeted and subsequent generations of Aboriginal people and caused irreversible harm to individuals, families and communities.
- 1.11. The Applicant is seeking a recourse for Anne Smith and for all those in a similar situation and their families, whether in Fort George or Mistissini, or elsewhere in Québec.

2. The context of the class action: Indian Residential Schools and the Independent Assessment Process

A. The Indian Residential School system

- 2.1. A fundamental measure in Canada's policy of assimilation of Aboriginal peoples was its system of residential schools, which were operated across Canada, in collaboration with church entities, from the early 1830s until 1997, as appears from Summary of the Final Report of the Truth and Reconciliation Commission of Canada (TRC Report), produced as Exhibit P-2, at p. 70.
- 2.2. In total, roughly 150,000 Aboriginal people attended one or more of the 139 residential schools across the country, as appears from the TRC Report, P-2, at p. 3. Most of these individuals were Indians within the meaning of the *Indian Act*, like Anne and the other Quebec Cree, but many were also Inuit.

- 2.3. These schools system played an important role in a process referred to as “cultural genocide” by the Truth and Reconciliation Commission (TRC) of Canada and by the Right Honourable Beverly McLachlin, Chief Justice of the Supreme Court of Canada, as appears from the TRC Report, P-2, at p. 1, and from an article in the *Globe and Mail* dated May 28, 2015, produced as Exhibit **P-3**.
- 2.4. The Aboriginal Healing Foundation defined the “Residential School System” as including “industrial schools, boarding schools, homes for students, hostels, billets, residential schools, residential schools with a majority of day students or a combination of any of the above,” as appears from the *Third Interim Evaluation Report of Aboriginal Healing Foundation Program Activity* at p. vi, produced as Exhibit **P-31**.
- 2.5. In fact, the residential school system consisted of a variety of forms of primary and secondary education imposed on Aboriginal children by the federal government pursuant to its authority under para. 91(24) of the *Constitution Act, 1867* from Confederation till approximately 1997.

B. The Indian Residential School Settlement Agreement (IRSSA)

i. Nature and scope

- 2.6. The Indian Residential School Settlement Agreement (IRSSA), produced as Exhibit **P-4**, was approved as the settlement of nine class actions by the superior courts of six provinces (from British Columbia to Québec) and all three territories, including the decision of this Honourable Court in *Bosum v. Attorney General of Canada*, No. 500-06-000293-056, 550-06-000021-056 and 500-06-000308-052, produced as Exhibit **P-5**.
- 2.7. The IRSSA has three main components: the Truth and Reconciliation Commission (TRC); the Common Experience Payment (CEP), a lump sum payable to all former students who resided at a recognized Indian Residential School (IRS); and the Independent Assessment Process (IAP) at issue in this application, meant to compensate claims of sexual or serious physical abuse.
- 2.8. A list of the residential schools attended to by the IAP is found in Schedule P and F of the IRSSA, filed in support of this as Exhibit **P-6**, and it includes Fort George Anglican also known as St. Philip’s Indian Residential School (IRS), which Anne attended.
- 2.9. The Interim Report of the Truth and Reconciliation Commission (TRC), produced as Exhibit **P-32**, noted at p. 9 that the IRSSA excluded specific groups of former students, including:

- a) students such as Anne Smith, who attended the same schools by day as were attended by students living in the residences, who did not stay in their own homes with their own families, but who were billeted with local families; and
 - b) students who attended non-residential schools as directed by the federal government, though the schools were not under federal control – many of these students in fact boarded with families chosen by the federal government.
- 2.10. Requests made pursuant to Article 12 of the IRSSA to add institutions to the settlement agreement were denied in all 41 cases identified as “home placements,” in British Columbia, Saskatchewan, Manitoba, Ontario, Québec, the Northwest Territories and Nunavut, as appears from the full list produced as Exhibit **P-33**. [...]

ii. The Independent Assessment Process (IAP)

- 2.11. The IAP has two categories of claimants: Resident Claimants, who lived at the Indian Residential School (IRS), and Non-Resident Claimants, who did not reside at an IRS but, while under the age of 21, were permitted by an adult employee to be on the premises of an Indian Residential School to take part in authorized school activities.
- 2.12. The IAP awards compensation for three kinds of acts: sexual abuse, roughly from touching to repeated intercourse; severe physical abuse (PL); and “other wrongful acts” (OWA), which require a high level of psychological harm.
- 2.13. The IAP also awards compensation for:
- a) psychological harms from a modest detrimental impact, such a loss of self-esteem, to continued harm resulting in serious dysfunction, such as a chronic post-traumatic state;
 - b) consequential loss of opportunity, roughly from reduced attention span to chronic inability to obtain employment; or
 - c) proven actual income loss, instead of opportunity loss;
 - d) a future care plan for counselling or medical treatment, to a maximum of \$15,000;

the whole as it appears in IRSSA, Schedule D, produced in support of this as Exhibit **P-7**.

- 2.14. Liability can vary depending on the identity of the alleged perpetrator:
- a) Canada accepts liability for abuse by any adult employee of the government or of the church entity that operated the IRS, but other adults must have been lawfully on the premises;
 - b) Canada accepts liability for student on student abuse only where it took place on the premises and employees had real or constructive knowledge of the abuse (among other conditions).
- 2.15. Liability can also vary depending on the identity of the Claimant:
- a) Canada accepts liability for any compensable abuse committed against a Resident by an adult when the abuse arose from or its commission was connected to the operation of an IRS;
 - b) Canada accepts similar liability to Non-Resident Claimants, but only if an adult employee gave the Claimant permission to be on the premises for taking part in school activities.
- 2.16. The variations in liability based on the nature of the acts and the identity of the Claimants and alleged perpetrators has created a host of jurisdictional issues that can complicate cases even where the abuse clearly took place.
- 2.17. Applications under the IAP had to be submitted by September 19, 2012.
- 2.18. Upon receipt, the Indian Residential Schools Adjudication Secretariat (Secretariat) determined whether applications were complete and *prima facie* admissible, as appears from Schedule D, P-7, p. 19.
- 2.19. The Secretariat generally does not schedule hearings until a claimant has submitted mandatory documents relevant to consequential harms and opportunity loss, such as medical, treatment, employment and tax records.
- 2.20. The Secretariat then assigns an independent adjudicator to the claim, who is the sole finder of fact and the only party allowed to question the claimant throughout the process.
- 2.21. Once satisfied that abuse and harms are established, the adjudicator decides on a compensation amount in accordance with the framework set out in Schedule D, P-7, at p. 3-6.
- 2.22. An initial adjudication decision is subject to review, but “on the record (no new evidence permitted) and without oral submissions”, as appear from Schedule D, P-7, at p. 14.

- 2.23. The possibility of re-review arises from either party's right to "ask the Chief Adjudicator or designate to determine whether an adjudicator's, or reviewing adjudicator's, decision properly applied the IAP Model" and presumably also from the Claimant's right to "require that a second adjudicator review a decision to determine whether it contains a palpable and overriding error", as appear from Schedule D, P-7, at p. 14.
- 2.24. As set out below, the hearing, review and re-review adjudicators in Anne Smith's claim under the IAP all ruled that she was not eligible for any compensation under the IRSSA because the sexual abuse she suffered in the family where she was billeted did not occur on premises of the school or residence and was not committed by a federal or church employee.

3. The facts which give rise to a personal action on behalf of the [...] Designated Member against the Respondent are:

A. Anne's attendance at St. Philip's IRS

- 3.1. Anne, the Designated Member, is a Cree woman born on [REDACTED], and raised in the Cree village of Rupert House, Quebec (now called Waskaganish).
- 3.2. She spent her first year at residential school at Bishop Horden Hall in Moose Factory, Ontario.
- 3.3. In 1965, at the age of [REDACTED] Anne was sent to Fort George, Quebec, to attend St. Philip's IRS, also known as Fort George Anglican Residential School. At the same time, other Cree children were sent to the same community to attend Fort George Roman Catholic IRS (known variously as St. Joseph's Mission, Résidence Couture, or Sainte-Thérèse-de-l'Énfant-Jésus).
- 3.4. Anne lived in the St. Philip's residence from September to June, during seven or eight of the years she spent in Fort George. The school was attended as a residential school by children from other communities, like Anne, but during some years, local children whose families lived in Fort George also attended the IRS as a day-school. During some years, Inuit as well as Cree children resided at the IRS.
- 3.5. Around 1969, the federal government assumed sole responsibility for the operation of St. Philip's IRS from the Anglican Church of Canada. Around the same time, the federal government proposed a policy for administering the residences and the schools at an IRS separately: this so-called "administrative split" may have been the reason why around 1972, some or all classrooms at St. Philip's began to be referred to as "Sand Park Federal School." However, neither change had any significant effect on Anne.

3.6. After completing her ninth year of residential school, Anne was sent to [REDACTED] (now [REDACTED] Québec, in 1974 to complete her secondary education at a public English-language high school, which she did in June 1977; while she attended that school, Anne boarded with a family chosen by the Department of Indian Affairs and Northern Development (DIAND).

B. The abuse suffered when billeted with a family

3.7. In late August or early September of 1972 or 1973, after Anne had arrived in Fort George for the new school year, the Respondent billeted her with a Cree family living in Fort George. Anne would live with this family for two more years, while attending the same school as before.

3.8. During those years, [REDACTED] (A.B.C.) and [REDACTED] (D.E.) of the family sexually assaulted Anne on several occasions.

3.9. Although D.E. did not live with [REDACTED], he frequently visited the home.

3.10. A.B.C. often drank to excess and engaged in violent behaviour; he made sexual advances towards Anne and would ask her, “Why don’t we have sex?” On other occasions, he would get into a rage and force everyone to leave the house, including his wife.

3.11. The first incident of abuse occurred during the fall of Anne’s first year with the C. family, although it is difficult for her to remember the exact dates of the abuse.

3.12. On this occasion, Mrs. C. told Anne to get Carnation condensed milk from a room in which D.E. was lying on a bed. D. approached her, put his hands in her pants and touched her vagina. Anne pushed him and ran away.

3.13. On another occasion, which Anne has difficulty remembering, D.E. came into her basement bedroom in the middle of the night; she could smell alcohol on his breath. D. forced himself on top of Anne and penetrated her; at the time, Anne was a virgin.

3.14. In another incident, A.B.C. came down to Anne’s room and ordered her to go upstairs to sleep with [REDACTED].

3.15. Anne obeyed and was woken up later that night by A.B.C. who was rubbing her vagina under her panties. The incident did not last long: when Anne moved, the touching stopped, and she believes she ultimately fell back asleep later that night.

3.16. Three other girls who were also billeted with the A.B.C. family during Anne’s stay. She does not know whether those girls knew that she was being abused by A.B.C. and D.E., nor does she know whether they abused the other girls because the matter was never discussed with Anne.

3.17. In fact, Anne never disclosed her own abuse to anyone before describing it to her legal counsel in 2012, while filling out her IAP Application.

C. The harms suffered by the Designated Member

3.18. Under Canada's placement program, Anne was separated at a young age from her family and community.

3.19. As a result, she suffered emotional harm and she was also prevented from learning and practicing Cree culture and customs, especially while she was billeted with a non-Aboriginal family in [REDACTED]

3.20. The abuse perpetrated by members of the family in which Anne was billeted also have had many profound impacts in her life.

3.21. Anne struggled for a number of years with drinking and drug abuse problems.

3.22. She started drinking when she was living with the C. family, albeit on an irregular basis. Upon her return to Waskaganish, however, she drank heavily, almost every weekend, over a 25-year span.

3.23. She also abused drugs such as mescaline, crack, and cocaine.

3.24. Anne abused these substances in attempts to suppress and hide the guilt she felt as a result of the abuse.

3.25. Anne's substance abuse reached its peak in 2007, at which point she was using cocaine on a daily basis and suffered from feeling "very slow."

3.26. Her addictions led her to forgo paying bills in favour of spending large amounts of money on drugs. She was unable to take care of her children and grandchildren.

3.27. Fortunately, Anne has now been sober for several years.

3.28. During times of heavy drug use, Anne sometimes thought of committing suicide.

3.29. On one such occasion, feeling like she "wanted to go away and end everything" Anne retrieved a firearm from her basement, whereupon it accidentally fired while in her hands. This near-fatal incident scared her and discouraged her from "going further."

3.30. The abuse she suffered also led Anne to be overly protective of [REDACTED] and her grandchildren, to the point where she sometimes had irrational fears that her [REDACTED] might have abused them. In fact, she often checked on him and the children

to ensure that abuse was not occurring. She could not trust any adult, including [REDACTED], and always had to know where [REDACTED] were.

- 3.31. Anne has had and still has feelings of shame and humiliation. She feels dirty and often wonders whether people know what happened to her.
- 3.32. Anne also suffered from sexual dysfunction early in her relationship with her husband; she would rebuff his approaches and “push him away” at first because she felt dirty, feeling like the abuse was occurring again.
- 3.33. The abuse also had an impact on her work history. In [REDACTED] she was fired from her job because of her drug abuse and drinking problems.
- 3.34. Anne has never been able to maintain stable employment because she never had confidence in herself during her adult life. She has long felt as though she cannot “handle or cope,” and that she cannot do things properly.
- 3.35. Anne believes that the instability in her life is the result of having been removed from the care of her parents, family and community at a very young age. As a result, she never had the opportunity to learn how to care for children from her parents and she did not care for [REDACTED] as she would have wished.

D. The Designated Member’s IAP claim

- 3.36. In August 2012, Anne filed an IAP claim to be compensated for the above-mentioned abuse, as appears from her Application Form, produced as Exhibit **P-8**.
- 3.37. On February 28, 2014, an IAP hearing took place, during which Anne testified about the abuse, the consequential harms and the loss of opportunity she suffered as a result.
- 3.38. During the course of the hearing and in his final submissions, Canada’s representative made an objection to Anne’s claim based on jurisdictional grounds: he argued that during the years in question, she was attending a federally-operated day school known as Sand Park, not an IRS within the scope of the IAP.
- 3.39. Adjudicator Robert Néron found Anne credible and held that she had suffered the abuse alleged. However, he upheld Canada’s preliminary objection and concluded she was not attending an IRS at the time of the abuse. He also concluded that abuse suffered by students in the homes of families with whom they were billeted is not covered by the IRSSA, as appears from his decision dated July 22, 2014, produced as Exhibit **P-9**.
- 3.40. On October 3, 2014, Anne’s legal counsel requested a review of Adjudicator Néron’s decision on the basis that, *inter alia*, Sand Park was part of St. Philip’s IRS

and that the abuse suffered in billeting families falls within the scope of the IAP, as appears from the Request for Review, produced as Exhibit **P-10**.

- 3.41. Adjudicator Néron's decision was ultimately upheld, as appears from the review decision by Deputy Chief Adjudicator Rodger Linka, dated February 23, 2015, produced as Exhibit **P-11**.
- 3.42. The decision to reject Anne's claim was upheld a second time, in the Re-Review decision of Adjudicator Anne Wallace, dated May 23, 2016, produced as Exhibit **P-12**.
- 3.43. Adjudicator Wallace found that the abuse suffered by Anne was not connected to nor did not arise from the operation of an IRS and, therefore, "the elements required by the IAP Model... [had] not been established," as appears from the re-review decision, P-12.
- 3.44. Since she held that abuse suffered in a home where a student was billeted is not compensable under the IAP, Adjudicator Wallace held that she need not decide whether the school that Anne was attending was a federal day-school or an IRS, as appears from her decision, P-12.
- 3.45. Adjudicator Wallace's decision was communicated to Anne's legal counsel on June 21, 2016, as appears from an email from the Secretariat's electronic document interchange (EDI) to Marie-Eve Dumont, produced as Exhibit **P-13**.
- 3.46. Adjudicator Wallace's re-review was the final decision on Anne's claim under the IAP: three different adjudicators had found that Anne's abuse by members of the family with whom she was billeted was not within the scope of the IAP.

E. Other billeted students in Cree communities in Québec

i. Fort George

- 3.47. Anne was not the only student billeted with a family in Fort George.
- 3.48. With the addition of secondary education to the curriculum in the fall of 1972, the Minister's agents and servants began moving children out of school residences and billeting them in private homes [...] in Fort George, to make room for classrooms and staff accommodations, as appears from a letter dated February 11, 1972 from A.E. Aimé, Supervisor of Education, to M.C. Paradis, at the Quebec regional office of DIAND, produced as Exhibit **P-23**.
- 3.49. In these circumstances, the IRS residence rapidly reached full capacity, as appears from a letter dated September 26, 1972, from J.G. Simard, Education Advisor with

DIAND's Abitibi District, to the Education Supervisor of DIAND, filed in support of this as Exhibit **P-14**.

- 3.50. Students were moved into families' homes, so that their rooms in the residences could be given to unmarried teachers, as appears from the exchange of correspondence between A.E. Aimé, Supervisor of Education, and C. Paradis, Regional Supervisor of Education, both at DIAND, dated February 18 and September 21, 1972 (in a bundle), produced as Exhibit **P-15**.
- 3.51. In accordance with this initiative, roughly fifty (50) students from Rupert House, Paint Hills (now known as Wemindji) and Eastmain were lodged in private homes at the end of September 1972, as appears from the letter from J.G. Simard, dated September 26, 1972, P-14.
- 3.52. An unspecified number of children from Fort George were also lodged in private homes during the school year, because during those months, their parents practiced a traditional "nomadic" lifestyle of hunting, fishing and trapping, as appears from J.G. Simard's letter, P-14.
- 3.53. The practice of billeting students continued in 1973-1974 and 1974-1975, as appears from a 1976 tripartite agreement between a group of parents, the Fort George Band Council, and DIAND [...] concerning the establishment of a "hostel program" in Fort George, produced as Exhibit **P-16**, p. 2 of 6.
- 3.54. In November 1974, at least 37 students were billeted with families, as appears from a letter dated November 12, 1974, from V.J. Caissie, Acting Regional Director, to R.L. Boulanger, Regional Director at DIAND [...], produced as Exhibit **P-17**.
- 3.55. According to a letter dated January 21, 1975 from V.J. Caissie, Acting Regional Director, to P.B. Lesaux, Assistant Deputy Minister of [...] Indian and Eskimo Affairs Branch of DIAND:

les cours du Secondaire I à IV inclusivement sont fournis à 140 élèves en provenance des communautés de Rupert House, Paint Hills et Eastmain. Un peu plus d'une centaine de ces étudiants sont hébergés dans des maisons privées à Fort George, la balance demeurant en résidence dans le pensionnat

as appears from the letter, produced as Exhibit **P-18**.

- 3.56. On April 10, 1975, the Acting Regional Director reported that:

Last year, approximately 140 students from smaller communities along the coast attended school at Fort George. All but 35 of those were boarded in private homes.

as appears from a letter from V.J. Caissie to H.T. Parker, Director of the Financial & Management Branch, [...] DIAND, produced as Exhibit **P-19**.

- 3.57. The Respondent's civil servants were aware that "la situation de certains élèves dans les maisons privées n'est pas acceptable, surtout à cause de l'espace vital restreint", as appears from V.J. Caissie's letter dated January 21, 1975, P-18.
- 3.58. A handwritten note on a letter dated November 1974 concerning the St. Philip's residence stated:

Les 4 hostels en construction accommodent les 31 étudiants présentement en résidence. De plus, chaque hostel peut recevoir 12 étudiants, cela signifie que 17 étudiants placés dans des foyers non-adéquats, pourront être relocalisés dans ces memes hostels.

Ceci a pour effet que les 49 étudiants demeurant dans les foyers évalués comme non-adéquats, sont réduits à 32 et que l'addition de 3 hostels seraient nécessaires [sic]....

as appears from a letter from G. Lefebvre, Education Supervisor [...] at DIAND, produced as Exhibit **P-20**.

- 3.59. The high operating costs were another reason why the Respondent decided to billet students with families living in Fort George, as appears from the 1976 tripartite agreement, Exhibit P-16, at p. 2 of 6.
- 3.60. In fact, Canada estimated the annual per capita cost of lodging children in the school residence was \$15,000, as appears from a letter dated April 10, 1975, from V.J. Caissie, Acting Regional Director, to H.T. Parker, Director of the Indian and Eskimo Affairs Branch, produced as Exhibit **P-24**, in contrast to \$1,500 for children lodged in private dwellings, as appears from Caissie's correspondence dated January 21, 1975, P-18.
- 3.61. Nevertheless, billeting so many students was known to have "caused many problems in the community," as appears in the tripartite agreement, P-16, at p. 2 of 6.
- 3.62. In January 1976, many of the billeted students were sent to live in one (1) of eight (8) hostels, which had been built as "the third alternative for boarding students" in Fort George, after the residence and private homes, as appears from the tripartite agreement, P-16, at p. 2 of 6.

- 3.63. However, because the hostels could house a total of only ninety-six (96) students, more than forty (40) students continued to live in billet families after the transfer, as appears from V.J. Caissie's letter dated April 10, 1795, P-24.
- 3.64. Canada's direct role in Cree education ended at the with the 1977-1978 school year, after which management and control were transferred to the Cree School Board, in accordance with the James Bay and Northern Quebec Agreement ("JBNQA"), as appears from section 16 of the JBNQA, produced as Exhibit **P-25**.
- 3.65. Three individuals from Waskaganish who were billeted with other families have described to the Applicant's counsel incidents of physical and sexual abuse they suffered in those homes.

ii. Mistissini

- 3.66. In Mistissini (then known as Mistassini), a similar situation existed where, after a federally-run school was built, "all [Mistassini] Indians pupils from Kindergarten to Grade 6 attend[ed] [that] school", and those "whose parents [had] to go away for trapping" were placed "in cottage-style hostels or in Indian families", as appears from a letter dated January 20, 1970, from A.R. Jolicoeur to the Regional Superintendent of Education at DIANDs, produced as Exhibit **P-26**.
- 3.67. The goal of building hostels and offering accommodation in families in Mistissini was that elementary students should "not be required to go to La Tuque Student Residence below Grade 6," as they had up till 1970, as appears from Exhibit P-26.
- 3.68. Three Mistassini Hostels, with twelve (12) beds each, began operating in the fall of 1971, as appears from a letter dated February 19, 1973, from Maurice Legendre, District Supervisor, to C. Paradis, at DIAND, produced as Exhibit **P-27**.
- 3.69. By October 1976, another 69 children were placed in what DIAND called "nomad homes" because their parents had left the community to hunt, fish and trap on their traditional territory, as appears from a letter dated October 12, 1976, from W. Halligan, District Supervisor, to Donald Daoust, at DIAND, produced as Exhibit **P-28**.
- 3.70. In 1976-1977, it was anticipated that 120 children would be placed in those "nomad homes", as appears from W. Halligan's letter, P-27.
- 3.71. According to a letter dated November 3, 1976, from G. Lemay, Acting Deputy Director, to the District Supervisor, the "nomad homes" housed Mistissini children, while children from surrounding communities lived in Mistissini hostels, as appears from G. Lemay's letter, produced as Exhibit **P-29**.

- 3.72. The “cottage-style” or “Mistissini Hostels” were recognized as an Indian Residential School for purposes of the IAP during the period from September 1, 1971, to June 30, 1978, as appears from the IAP School Narrative prepared for Mistassini Hostels, produced as Exhibit **P-30**.
- 3.73. Counsel for the Applicant has interviewed two individuals who, as children living in surrounding Cree communities, were sent to Mistissini and also placed in “nomad homes.”
- 3.74. However, those two individuals did not make any claim in regard of the abuse they suffered in the “nomad homes” because they were advised by their lawyer that it was not compensable under the IAP.

F. Government-directed educational placement of First Nations and Inuit students outside of residential schools

i. Jurisdiction and practice

- 3.75. As set out below, at all relevant times, the Minister of Indian Affairs and Northern Development asserted the legal power to designate the school that children registered as Indians or Inuit children had to attend, without the parents’ consent.
- 3.76. The Minister exercised that power, at least so long as the *Indian Act* band to which the child belonged did not control its own education budget or program or until jurisdiction over education was otherwise transferred in the Northwest Territories and northern Québec and sometimes continued to exercise it thereafter.
- 3.77. In the Northwest Territories, for instance, the federal government decided in the 1950s to replace scattered mission schools with government-run hostels and day schools, as appears from Exhibit **P-34**, volume 2 of the TRC’s *Final Report* at p. 17.
- 3.78. One of the results was that, for instance, in settlements along the Mackenzie River in the western Arctic, “[a]pproximately 50 children were placed in foster homes on a temporary basis to enable them to remain in day school while their parents were away from the settlement trapping,” as appears from the 1958-59 Annual Report of Indian Affairs Branch at p. 75, produced as Exhibit **P-35**.
- 3.79. Since 1958 at the latest, therefore, placing registered Indian or Inuit children with families other than their own or in foster homes or boarding homes was an integral part of the elementary and secondary education system operated by the Respondent, institutions that were not necessarily residential schools as defined in the IRSSA.

ii. The Boarding Home program

- 3.80. When DIAND placed high-school students like Anne Smith who were billeted in private homes in Fort George and Mistissini, its officials were acting pursuant to the Department's Boarding Home Program.
- 3.81. In 1961, the Director of what was then the Indian Affairs Branch of the Department of Citizenship and Immigration explained that he used the term "hostel accommodation" to refer to "living accommodation in residential schools for students who are receiving their classroom instruction in a nearby school, usually a non-Indian school," but that while "the number of pupils boarding in private homes is not available it is estimated that they roughly equal the number of hostel pupils," as appears from Exhibit PGC-2 to the Respondent's motion to produce relevant evidence.
- 3.82. The Director of the Indian Affairs Branch added that the supervision of students boarding in private homes was taken in charge by "Education Assistants" who performed "such duties as locating boarding homes, counselling students, acting as liaison between the Branch and the various schools in which the pupils are enrolled, visiting the homes of the pupils where distances permit, checking attendance, performing related administrative duties, reporting, public relations, etc.," as appears from Exhibit PGC-2.
- 3.83. In 1962, the Director instructed superintendents of Indian agencies and of Indian schools that accommodation in residential schools was preferred for children under the age of 16, while "private home placements," should be reserved for students over 16 when required "in order to receive a High School education which is not otherwise available," as appears from Exhibit PGC-5.
- 3.84. By the late 1960s, the Department of Indian Affairs and Northern Development (DIAND) actively sought to close Indian residential schools and replace them with day schools on reserve and, especially at the high-school level, with education in majority non-Aboriginal public schools. The TRC has concluded that: "Residential schooling from 1970 onward constituted a small and declining element in First Nations education," as appears from Exhibit P-21 at p. 92.
- 3.85. However, this decline did not mean that DIAND had stopped placing registered Indians and Inuit children in accommodation other than their family homes during their schooling. On the contrary, its 1970-71 Annual Report indicated that some 6,000 students were in residence, while 6,000 more "were living in private boarding homes and group homes during the school year, and 'the majority of these students are provided with room and board, and clothing and educational allowances,'" as appears from Exhibit P-21 at p. 92.

- 3.86. The Respondent's management of these accommodations was far from commensurate with the vulnerability of the students placed there. The head of DIAND's Guidance Services Division concluded in 1970 that the foster home program in Saskatchewan "appears to be totally inadequate to the people's needs; placement is effected without a court order and supervision of homes seems to be non-existent," as appears from Exhibit P-21 at p. 94.
- 3.87. The same year, in 1970, DIAND's Education Branch adopted an "Educational Assistance Policy and Guidelines for Operating the Boarding Home Program," as appears from Exhibit PGC-7.
- 3.88. The new policy provided "for the selection of students and their placement in boarding homes" and defined "the role of the counsellors in the selection and placement of students in boarding homes and it recommend[ed] procedures to be followed." It provided that "[b]oard and room in an approved boarding home may be provided for students who must live away from home in order to attend school," with payment "usually arranged by the Counsellor," as appears from Exhibit PGC-7.
- 3.89. The guidelines provided that neither an application for educational assistance nor the selection of a boarding home needed to be made by the student's parents, as appears from Exhibit PGC-7, but it did insist on the role of DIAND's counsellors:

It is essential for the Counsellor to visit the prospective boarding home and interview the boarding home parents in order to assess the suitability of the family and its facilities for the Boarding Home Program. In this connection, the' Counsellor will ensure that any provincial or municipal standards regarding the physical requirements of boarding homes are met. Just as important, however, is an assessment of the home environment, to ensure that the relationships within the family are suitable for student placement.

[...]

In order to prevent frequency of boarding home change, the Counsellor must ensure that students are placed in boarding homes that will satisfy their individual needs. He must maintain close contact with the students and the boarding home parents during the initial adjustment period.

- 3.90. In the 1971-72 school year, maintenance of students from Québec in private homes represented 14.3% of the total national budget (\$667,000 out of \$4.67 million), the third-largest amount for any province after Ontario and British Columbia, as appears from Exhibit PGC-8.

iii. The Private Home Placement program

- 3.91. By 1981, DIAND had created a Private Home Placement program for *Indian Act* bands that it defined – without reference to the nature of school attended – as the cost of travel, supplies, room and board “for Indian students who attend elementary or secondary school away from home while residing in private homes or privately operated group homes,” as appears from the “Indian Control of Indian Education Status Report” for 1981, Exhibit P-36.
- 3.92. The Respondent recognized that where private home or group home placement of students was under DIAND’s control, it assumed responsibility for their well-being when it stated that “the department receives and approves their educational assistance applications, provides them with counselling service and issues their living allowances,” as appears from Exhibit P-36.
- 3.93. In addition, among the Inuit, from 1967 to 1978 and notwithstanding the jurisdiction of the governments of Québec and the Northwest Territories, each year DIAND sent about 140 students south for secondary education, especially in Winnipeg and Ottawa, where they boarded with local families, as appears from Exhibit P-34 at p. 177.

G. The Respondent [...]

i. The Attorney General of Canada

- 3.94. The *Crown Liability and Proceedings Act*, RSC 1985, c C-50, s. 23(1), requires proceedings against the Crown in right of Canada to be “taken in the name of the Attorney General of Canada.”
- 3.95. The Respondent in this case is acting for and on behalf of the Minister of Indian Affairs and Northern Development (the Minister).
- 3.96. The “powers, duties, and functions” of the Minister at all relevant times “extend[ed] to and include[d] all matters over which Parliament has jurisdiction, not by law assigned to any other department, board or agency of the Government of Canada, relating to... Indian Affairs,” pursuant to s. 4(a) of the *Department of Indian Affairs and Northern Development Act*, RSC 1985, c I-6, and similarly extended pursuant to predecessor statutes, including the *Department of Indian Affairs and Northern Development Act*, RSC 1970, c. I-7, and *The Department of Citizenship and Immigration Act*. S.C. 1949, (2nd Sess.), c. 16.
- 3.97. As of May 18, 2011, the Department of Indian Affairs and Northern Development [...] was known as Aboriginal Affairs and Northern Development Canada (AANDC) and after November 4, 2015, it bore the name Indigenous and Northern Affairs Canada (INAC).

- 3.98. In August 2017, the Prime Minister announced the dissolution of INAC and the creation of two new departments: Indigenous Services Canada (ISC) and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC). In July 2018, the Prime Minister announced that Northern Affairs would instead become the responsibility of Minister of Intergovernmental and Northern Affairs and Internal Trade.
- 3.99. While ISC was designated as a Department for the purposes of the *Financial Administration Act* by SI/2017-79, the *Department of Indian Affairs and Northern Development Act* remained in force until July 15, 2019, as of which date the *Department of Indigenous Services Act*, SC 2019, c 29, s 336, and the *Department of Crown-Indigenous Relations and Northern Affairs Act*, SC 2019, c 29, s 337, came into force. [...]

4. Grounds for the Respondent's liability

A. General Crown liability

- 4.1. Since the Crown can only act through its servants or agents, at all relevant times, the Crown in right of Canada was directly liable for the damages caused by its servants or agents, pursuant s. 3(1)(a) of the *Crown Liability Act*, RSC 1970, c C-38.
- 4.2. Each of the Crown's servants was liable pursuant to art. 1053 of the *Civil Code of Lower Canada* "for the damage caused by his fault to another, whether by positive act, imprudence, neglect or want of skill."
- 4.3. Moreover, the Crown's servants were liable *in solidum* pursuant to art. 1106 of the *Civil Code of Lower Canada* and jointly and severally liable at common law for the consequences of their own independent acts and omissions, together with the acts and omissions of a third party, if both directly contributed the injury suffered by the victims of their fault.

B. The Minister's powers and duties

i. Generally

- 4.4. The Government of Canada's power and jurisdiction over the Designated Member and the Primary Class Members were at all relevant times rooted in s. 91(24) of the *Constitution Act, 1867*, and in the *Indian Act*, as from time to time amended. [...]
- 4.5. By virtue of this jurisdiction, the Respondent enjoyed power and discretion over significant aspects of the lives of Aboriginal people and assumed a corresponding fiduciary duty towards them.

- 4.6. At all relevant times, the Minister's powers under the *Indian Act*:
- a) allowed him to designate the school Indian children had to attend, without the parents' consent: s. 118;
 - b) allowed him to appoint truant officers with the powers of a peace officer: s. 119(1);
 - c) provided that parents served by truant officers with a notice for their children to attend school were guilty of an offence and subject to fines and imprisonment, if their children did not "attend school and continue to attend school regularly": s. 119(3) and (4);
 - d) allowed truant officers to take into custody a child who was absent from school and to "convey the child to school, using as much force as the circumstances require": s. 119(6).
- 4.7. The statutory basis for the Minister's power to choose Inuit children's school and place of residence has never been made clear, though it was presumably asserted:
- a) pursuant to his general power over Indian affairs under the *Department of Citizenship and Immigration Act*, S.C. 1949, the *Government Organization Act*, 1966, S.C. 1966-67, c. 25, s. 17, and the *Department of Indian Affairs and Northern Development Act*, RSC 1970, c. I-6; and
 - b) outside Québec and Labrador, pursuant to the *Northwest Territories Act* and the general powers over the affairs of the Northwest Territories vested in the federal Minister of Mines by the *Department of Mines and Resources Act*, S.C. 1936, c. 33, s. 10, and its successor statutes, and vested in the Minister of Indian Affairs and Northern Development as of 1966.
- 4.8. The Respondent used its powers and jurisdiction to implement a systematic policy of assimilating Aboriginal people, designed to eliminate their distinct languages, customs, and ways of life.
- 4.9. For the Designated Member and the Primary Class Members from remote communities, this involved removing them from their families and from life on the land, at a time when most Cree in Quebec and other Aboriginal people in remote communities still lived largely from hunting, fishing and trapping. The children were forced to relocate without their parents to where they could be "educated" to think like white people in federally-chosen schools.
- 4.10. Once the Minister removed the Designated Member and Primary Class Members from their parents, they became his wards and he stood in *loco parentis* towards

them; he became responsible for ensuring that they receive all the necessities of life.

ii. Fiduciary duty

- 4.11. Canada stands in a fiduciary relationship with Canada's Aboriginal peoples. Canada's relationship with the Designated Member and the Class Members was, at all material times, one of dependence, trust and reliance: Canada had undertaken to act in the best interest of the Designated Member and Primary Class Members.
- 4.12. The health and welfare of the Designated Member and other Primary Class Members and their Aboriginal identity and culture were legal and substantial practical interests of the Designated Member and other Primary Class Members.
- 4.13. At all material times, Canada assumed such a degree of discretionary control over the protection and preservation of the health, welfare, identity and culture of the Designated Member and other Primary Class Members that it amounted to a direct administration of those interests. The protection and preservation of the health, welfare, identity and culture of the Designated Member and other Primary Class Members were within the power, discretion or control of Canada and were subject to the unilateral exercise of Canada's power, discretion or control.
- 4.14. Canada's fiduciary duty owed to the Designated Member and other Primary Class Members was, at all material times, a non-delegable duty.
- 4.15. Specifically, the Minister breached his fiduciary duty owed to the Designated Member and other Primary Class Members by establishing, implementing, administering and managing the placement programs, when it knew or ought to have known that doing so would cause profound and permanent cultural, psychological, emotional and physical harm to the Class Members.

iii. Civil Law Duty

- 4.16. From the moment the Minister took charge of them, his duties to the Designated Member and the Primary Class Members had to meet the "careful parent test," the standard of a prudent parent solicitous for the welfare of his or her child.
- 4.17. When the Minister's agents and servants decided to remove the Designated Member and Primary Class Members from the IRS residence or from their own families and place them with local families or in [...] boarding homes, the standard imposed by the "careful parent test" required measures such as the proper selection, screening, training and monitoring of families or those responsible for [...] boarding homes to protect the children from possible abuse and to allow them to practice and maintain their Aboriginal language, culture, identity, religion, heritage and customs.

- 4.18. By 1972, no one in authority in DIAND should have been unaware that Indian residential school students were at risk from sexually predatory employees. More particularly, the Minister's Quebec regional office had investigated three cases of sexual abuse of students at the Anglican IRS in La Tuque between 1969 and 1971, as reported in the TRC Report, vol. 1, part 2, produced as Exhibit P-21, at pp. 443-444.
- 4.19. In fact, the principal at St. Philip's from July 1962 to May 1968 was William Peniston Starr, who is probably the most notorious abuser in the IRS system. By 1998, even before the IAP existed, Canada had already settled almost 200 claims alleging abuse by Starr while he was principal of the Gordon IRS in Saskatchewan, the school he went to after he left Fort George. Starr also pleaded guilty to 10 counts of indecent assault at Gordon's IRS during years 1976-1983 and was convicted on February 8, 1993, as reported in the TRC Report, vol. 1, part 2, P-21, at pp. 447-448.
- 4.20. The Minister acting through his agents and servants was responsible for the creation and implementation of these measures and failed in both regards.
- 4.21. Specifically, the Minister breached his duty of care by:
- a) failing to take steps to protect Class Members' retention of their Aboriginal language, culture, identity, religion, heritage and customs;
 - b) failing to properly screen individuals prior to allowing them to billet Primary Class Members and hiring individuals to act as billeting families or to operate [...] boarding homes where the Minister placed registered Indian and Inuit children, when those individuals were not qualified to provide the necessities of life for the children under their care and supervision;
 - c) failing to provide proper, adequate and effective training initially or on an on-going basis to ensure that billeting families or those who operated [...] boarding homes where the Minister placed registered Indian and Inuit children were suitable and fit to act as the Minister's employees, servants, or agents;
 - d) failing to set or implement standards of conduct for billeting families or those who operated [...] boarding homes where the Minister placed registered Indian and Inuit children with respect to the safety, health or well-being of Primary Class Members;
 - e) failing to adequately, properly and effectively supervise the conduct of billeting families and their households [...] boarding homes where the Minister placed registered Indian and Inuit children;

- f) failing to set or implement policies for recognizing and reporting potential abuse of or harm to Primary Class Members;
 - g) failing to educate Primary Class Members in the use of a system through which abuse would be recognized and reported;
 - h) failing to investigate or report injuries sustained by Primary Class Members;
 - i) failing to respond adequately, or at all, to complaints regarding the treatment of Primary Class Members, including complaints of physical, psychological, and sexual abuse; and
 - j) failing to provide adequate medical and psychological care for Primary Class Members.
- 4.22. The negligent supervision by the Crown’s servants of the billeting families or those who operated [...] boarding homes where the Minister placed registered Indian and Inuit children made the Crown’s servants liable *in solidum* and jointly and severally liable at civil law for the consequences of their acts and omissions, together with the acts of those families because both directly contributed the injury suffered by the Designated Member and Class Members.
- 4.23. Moreover, those standing *in loco parentis* are also bound by a special duty of loyalty to the children, which forbids them from advancing their own interests at the expense of the children.
- 4.24. In this case, the Minister saved at least \$10,000 per year for every child that was billeted instead of being housed in school residences in Fort George, as appears from V.J. Caissie’s letters dated January 21, 1975, P-18, and April 10, 1975, P-24.
- 4.25. The conditions in the houses where students were billeted were considered “inadequate” by the Minister’s civil servants, as appears from V.J. Caissie’s letter, P-18.
- 4.26. By knowingly billeting children in Fort George in inadequate conditions, and at substantial financial savings, the Respondent advanced its own interests at the expense of the children, and thereby breached its duty of loyalty towards them.
- 4.27. The Applicant states that the Respondent’s actions, inactions and omissions as aforesaid, constitute:
- a) negligence in the selection, employment and supervision of billeting families or those who operated [...] boarding homes where the Minister placed registered Indian and Inuit children;

- b) breaches of the duty of loyalty that parents owe to their children; and
 - c) failures to protect the Designated Member's and other Primary Class Members' best interests.
- 4.28. These failures and breaches resulted in the Designated Member and Primary Class Members suffering psychological harm and loss of culture and being subjected to sexual, physical and psychological abuse at the hands of persons with whom they were billeted or in [...] boarding homes where the Minister placed them.
- 4.29. Finally, the Minister made a delegation of the duty he owed to the Designated Member and Primary Class Members that was not provided for by statute when he began placing these children with local families to be billeted or [...] boarding homes.
- 4.30. While s. 115(c) of the *Indian Act*, RSC 1970, provided that the Minister could "enter into agreements with religious organizations for the support and maintenance of children who are being educated in schools operated by those organizations," the Minister had no clear right to enter into agreements with local families [...] or boarding homes for the same purpose; neither did the Minister have the right under s. 114 to delegate his duties to anyone other than a provincial or territorial government, a school board, or "a religious or charitable organization."
- 4.31. While the Designated Member and Primary Class Members were billeted or placed in [...] boarding homes, the Minister therefore remained under a non-delegable statutory duty to ensure their safety and welfare. [...]

C. Vicarious liability

- 4.32. At all relevant times, the Government of Canada was vicariously liable for the damage caused by the fault of its agents and servants, pursuant to s. 4(2) of the *Crown Liability Act* of 1970, art. 1054 of the *Civil Code of Lower Canada*, the common law and the relevant legislation of the other provinces and territories.
- 4.33. These provisions reflect one of the most fundamental principles underlying civil liability: that the person or entity who creates a risk assumes the obligation to compensate the victims if they are injured when that risk does in fact materialize.
- 4.34. Confiding a child to an adult to live with him or her places that adult in a position of great power, authority, trust and intimacy with respect to that child. The Minister thereby created a relationship between the Designated Member and Primary Class members and the billeting families or those who operated [...] boarding homes where the Minister placed registered Indian and Inuit children that placed those children at risk.

- 4.35. In this case, the Minister was in a contractual relationship with the billeting families or those who operated [...] boarding homes and he exercised power and control over them. He was responsible for the administration of the billets [...] or boarding homes at all material times because his agents and employees decided to place the children instead of leaving them with their families or having them live in the IRS residence.
- 4.36. Since the Minister's agents and servants chose the families [...] or boarding homes where the children were billeted, they could or should have been able to inspect and monitor those families and did retain or should have retained the power to remove the children at any time, if necessary for their protection.
- 4.37. The Minister therefore assumed liability for the faults committed by the billeting families or those who operated [...] boarding homes as his agents or servants and the Designated Member invokes the rule in art. 1464 of the *Civil Code of Québec*. [...]

D. The claim is not prescribed or statute-barred

- 4.38. The Designated Member and all or most Primary Class Members were victims of childhood sexual, physical and psychological abuse.
- 4.39. Section 2926.1 [...] of the *Civil Code of Quebec* and section 4 of the *Act To Amend The Civil Code, In Particular To Make Civil Actions For Sexual Aggression, Violence Suffered During Childhood And Spousal Violence Imprescriptible* provide that an action based on injuries resulting from a sexual aggression or on violent behaviour [...] suffered during childhood cannot be prescribed, regardless of any prescriptive period applicable before. [...]
- 4.40. Finally, if claims by any of the Primary Class Members are prescribed or statute-barred (which is not hereby admitted, but expressly denied), that issue would be relevant only during the individual recovery of claims and does not affect the Applicant's right to authorization. [...]

5. Designated Member's application to use a pseudonym

- 5.1. The Designated Member hereby asks for the Court's permission to use a pseudonym for all legal proceedings and court documents in this case.
- 5.2. The Designated Member lives in a small community of less than 2,500 people and does not want her community to become aware of the abuse she suffered as a child.
- 5.3. The desire to keep this most intimate part of her life private is more than understandable and is a common sentiment among survivors of child abuse.

- 5.4. Allowing the Designated Member to remain anonymous will also encourage other Primary Class Members to participate, knowing that their privacy will be respected and their identities will be kept confidential. An order allowing use of a pseudonym will therefore facilitate greater access to justice.
- 5.5. The Designated Member is prepared to provide the Court and counsel for the Respondent with her name and that of any known Primary Class Member, under seal, provided that such information is protected and kept confidential.

6. The composition of the class makes it difficult or impracticable to apply the rules for mandates to take part in judicial proceedings on behalf of others or for consolidation of proceedings

A. The effects of the risk created by Canada

6.1. Statistics from the IAP indicate that the number of claims for compensation for abuse was equivalent to approximately 48% of the number of former students who were eligible to make such claims and alive in May 2005, as reported in the TRC Report, vol. 1, part 2, P-21, at p. 400.

6.2. The TRC therefore concluded:

- abuse was widespread throughout the residential school system;
- a significant percentage of the acts of abuse were of a serious nature with potentially lifelong impacts;
- male and female students were abused at equal rates;
- male students were compensated at the most serious and damaging category of abuse at a greater rate than female students;
- students were at risk in all institutions, regardless of the denomination of the religious order in charge of the institution; and
- student abuse of fellow students was a serious and widespread problem

as appears from Exhibit P-21, at p. 411.

6.3. No reason exists to believe that students were at significantly lower risk when billeted with families or with those responsible for [...] boarding homes whom the Minister did not supervise or monitor adequately.

B. For those in boarding homes and private home placements

6.4. As set out above, three individuals from Waskaganish who were billeted with other families have described to the Applicant's counsel incidents of physical and sexual abuse they suffered in those homes.

- 6.5. The Applicant estimates that from among those sent to Fort George or Mistissini, Québec, alone there are more than 220 potential members of the Primary Class described in this Application for Authorization, based on correspondence [...] from 1975 from V.J. Caissie, Acting Regional Director of [...] DIAND, P-18, and from 1976, from District Supervisor W. Halligan, P-28.
- 6.6. Based on the information contained in P-18, P-26 and P-29, it seems that most of the potential Primary Class Members in Québec who were billeted with local families came from the [...] Cree communities of Waskaganish (Rupert House), Eastmain, Wemindji (Paint Hills), Chisasibi and Mistissini. Nevertheless, it is possible that potential Primary Class Members also came from Oujé-Bougoumou and Waswanipi.
- 6.7. As set out above, in the year 1970-71 alone, DIAND placed some 6,000 students “in private boarding homes and group homes during the school year” across Canada, as appears from Exhibit P-21 at p. 92.
- 6.8. The Applicant has no access to a list of the students who were billeted in families or in [...] boarding homes during the relevant period because it is personal information about individuals held by a government institution and protected from disclosure under the *Privacy Act*, RSC 1985, c. P-21, except with a court order.
- 6.9. The Applicant therefore submits that the identity of potential Primary Class Members is ascertainable only to the Respondent.
- 6.10. Even if some Primary Class Members could be reached or contacted by notices, radio announcements, or through word of mouth in the relevant communities, many would be reluctant to come forward and reveal facts about their childhood abuse. [...]

C. Generally

- 6.11. It is unrealistic to expect most or all Primary Class Members to identify themselves readily and outside of a process that ensures them confidentiality and the ability to apply in private.
- 6.12. Despite decades of publicity about the issue of residential school abuse, in the IAP, out of the total of 38,093 applications received by the Secretariat, more than 35 per cent (13,385) were between January 1, 2012, and the September 19, 2012, deadline, as appears from the Secretariat’s historical statistics, produced as Exhibit **P-22**.
- 6.13. In addition to the difficulties that exist in identifying and contacting other potential Primary Class Members, considerations of access to justice weight in favour of authorizing this application.

- 6.14. The amount of compensation available to individuals who succeed in independent proceedings is likely disproportionately small compared to the amount of money that they would spend on legal fees and disbursements.
- 6.15. It would be economically inefficient for individuals to proceed with a multitude of individual actions, needlessly duplicating large portions of work across many mandates and exhausting taxpayer and judicial resources.
- 6.16. Class Members are also part of a disadvantaged population, with lower education compared to other Canadians of the same age and a commensurate difficulty in using the judicial system. Should this application be denied, it seems unlikely that other means of seeking justice will be pursued by any significant number of Class Members and the grave injustice they suffered will remain unaddressed.
- 6.17. Finally, it would be inequitable to deny authorization where virtually identical faults and injuries have benefited from compensation under the IRSSA across the country and the only difference between Primary Class Members and the beneficiaries of that settlement is where the Minister assigned them to live.
- 6.18. In light of the above considerations, it would not only be impractical, if not impossible to proceed by other means, it would also be contrary to access to justice and equitable considerations.

7. The claims of the members of the class raise identical, similar or related issues of law or fact

- 7.1. The nature and quantum of damages suffered are particular to each Class Member, but the principal questions of law and fact are common to all.
 - A. Concerning the Respondent's civil liability, the following issues must be decided in common:**
- 7.2. Could or should the Minister as represented herein by the Respondent, including the Ministers, agents or servants, have foreseen that billeting families or those responsible for [...] boarding homes were in a position that could result in them abusing their positions of power, authority and trust over children entrusted to them?
- 7.3. Did the Minister owe the Class Members a duty arising from circumstance, usage or law?
- 7.4. Did the Minister breach its fiduciary, civil law and statutory duties to the Designated Member and the Class Members when it undertook a systematic program of forced integration of Aboriginal children through the establishment,

implementation, administration and management of the placement programs for Aboriginal students?

- 7.5. Did the Minister breach its fiduciary, civil law and statutory duties to the Designated Member and the Class Members by failing to consult adequately with Aboriginal communities and other Aboriginal stakeholders about the placement programs for Aboriginal students, the provision of funding to the program for that purpose, and the policies and practices that would be adopted in operating and administering that programs?
- 7.6. Did the Minister take steps to protect and preserve the language, culture, identity, religion, heritage and customs of the Class Members, including by ensuring that adequate services and resources were provided to Primary Class Members to practice and maintain their Aboriginal language, culture, identity, religion, heritage and customs while in the care of billeting families or those responsible for [...] boarding homes?
- 7.7. Did the Minister take steps to screen billeting families or those responsible for [...] boarding homes prior to placing Primary Class Members in their care? If so, were these steps proper and adequate to prevent unqualified individuals from billeting children or caring for them in [...] boarding homes?
- 7.8. Did the Minister provide proper, adequate and effective training or monitoring initially or on an on-going basis to ensure that billeting families or those responsible for [...] boarding homes were suitable and fit to act as its employees, servants, or agents?
- 7.9. Did the Minister set or implement standards of conduct for billeting families or those responsible for [...] boarding homes with respect to the safety, health or well-being of Primary Class Members? If so, did the Minister fail to uphold these standards?
- 7.10. Did the Minister fulfill its duty to supervise and monitor the performance and behaviour of billeting families or those responsible for [...] boarding homes to ensure that they performed and behaved as qualified, reasonable and prudent employees, servants, or agents?
- 7.11. Did the Minister set or implement policies for recognizing and reporting potential abuse of or harm to Primary Class Members? If so, did the Minister fail to educate Primary Class Members in the use of a system through which abuse would be recognized and reported?
- 7.12. Was the Minister aware of any injuries sustained by the Designated Member or Primary Class Members, which occurred while in the care of billeting families or

those responsible for [...] boarding homes? If so, did the Minister adequately investigate those injuries?

- 7.13. Was the Minister aware of any complaints put forth by the Designated Member or Class Members, in relation to physical, psychological or sexual abuse? If so, did the Minister respond adequately to those complaints?
- 7.14. Did the Minister provide adequate medical and psychological care for the Designated Member and Primary Class Members while in the care of billeting families or those responsible for [...] boarding homes?
- 7.15. Was the Minister aware of inappropriate punishments delivered by billeting families or those responsible for [...] boarding homes? If so, did the Minister allow these punishments to continue?
- 7.16. Did the Minister fail to provide leadership and fulfilment of its legal and moral obligations by not enforcing or creating guidelines on sexual abuse, thereby causing the Designated Member's and the Class Members' damages?

B. Concerning the Respondent's vicarious liability

- 7.17. Were billeting families or those responsible for [...] boarding homes employees, servant or agents of the Respondent? If so, is the Respondent liable for the negligent and intentional acts committed by its employee, servant, or agent which harmed the Designated Member or Class Members?
- 7.18. Was the Respondent aware of the wrongful actions of its employees, servants, or agents, and if so, when did it become aware? If not aware, should the Respondent have been aware of the wrongful actions committed by its employees, servants, or agents?
- 7.19. The Applicant submits that these questions raise factual and legal issues of systemic fault common to all Class Members that requires an assessment of the Respondent's knowledge, actual or constructive, with respect to the selection, training, monitoring and supervision of its employees, servants or agents.
- 7.20. The resolution of these issues will move litigation further significantly; these constitute substantial elements that must be resolved in the case of each individual Class Member, and their resolution will avoid duplication of fact-finding and of legal analysis. [...]

8. The questions of fact and law specific to each Class Member are as follows

- 8.1. After the resolution of common issues, only matters specific to each Class Member will have to be addressed, including:

- a) What acts of abuse did individual Primary Class Members suffer?
- b) What harms did Primary Class Members and Family Class Members suffer because of the acts of abuse?
- c) Does a causal link exist between any acts of abuse and harms suffered?
- d) What individual defences exist that could be advanced, such as prescription?

9. It is expedient that the institution of a Class Action for the benefit of the Class Members be authorized for the following reasons

- 9.1. The class action is the best procedural vehicle available to the Class Members in order to protect and enforce their rights herein.
- 9.2. While the amount of damages sustained by each Class Member may differ, the Respondent's wrongful behaviour and its liability are identical for each Member.
- 9.3. In the absence of a class action there would be no viable recourse against the Respondent for most Members, due to the cost and difficulty that an individual civil action would entail, relative to the benefits one could hope to obtain.
- 9.4. To the best of the Applicant's knowledge, all or most of the Class Members among the Cree in Québec come from and are likely still domiciled in [...] northern Québec and would therefore incur greater than average expenses if they brought individual proceedings, due to their remote location.
- 9.5. A single hearing by means of a class action on the issues of fact and law that all members have in common would significantly reduce the cost of litigation for all parties.

10. The nature of the action the Designated Member intends to bring on behalf of the Class Members is an action in damages for extra-contractual liability.

11. The Applicant seeks the following conclusions or relief:

- 11.1. Compensation, in an amount to be perfected at trial, for the damages incurred because of the Respondent's failure to take steps to protect Class Members' retention of their Aboriginal language, culture, identity, religion, heritage and customs and their ability to pass on to succeeding generations their spiritual, cultural and linguistic heritage.

- 11.2. Compensation, in an amount to be perfected at trial, for the damages incurred because of the Respondent's failure to screen, negligence in selecting, and inadequate supervision of its employees, servants or agents; and more generally for its breach of its obligation of loyalty and duty to protect the best interests of the Designated Member and Primary Class Members as would a parent solicitous for his or her child's well-being.
- 11.3. Compensation, in an amount to be perfected at trial, for the damages incurred as a result of the intentional and negligent actions of billeting families or those responsible for [...] boarding homes, including the perpetration of sexual, physical and psychological abuse on the Designated Member and other Primary Class Members for which the Respondent is directly or vicariously liable.
- 11.4. Compensation, in an amount to be perfected at trial, for material and moral damages sustained by Family Class Members as a result of Respondent's breaches of its fiduciary and civil law duties owed to the Primary Class Members and the fault and negligence of its employees, servants or agents;
- 11.5. Punitive damages in an amount to be perfected at trial;
- 11.6. Interest and the additional indemnity provided by the *Civil Code of Quebec*;
- 11.7. Judicial fees and legal costs;
- 11.8. Such further and other relief as this Honourable Court may deem just and reasonable in the circumstances.

12. The relief sought by the Applicant is to:

ALLOW the institution of the Applicant's class action;

GRANT the Designated Member's application for an order allowing her to use a pseudonym for herself and for Class Members;

DECLARE the Respondent Attorney General of Canada liable to the Designated Member and Class Members for the damages suffered by Respondent's breach of its fiduciary duty, its breach of its obligation to act as a parent solicitous of his or her child's welfare and its breach of its obligation of loyalty towards the Applicant and Class Members; [...]

DECLARE the Respondent vicariously liable to the Designated Member and Class Members for the damages suffered by the negligent and intentionally wrongful actions of its employees, servants, or agents;

CONDEMN the Respondent to pay to each of the Class Members compensatory, moral and punitive damages, and **ORDER** collective recovery of these sums;

CONDEMN the Respondent to indemnify each and every Class Member for all damages that they have suffered as a result of Respondent's wrongful behaviour, and the wrongful behaviour of its employees, servants, and agents;

AND TO THIS END:

DECLARE the Respondent liable for the cost of judicial and extra-judicial fees and disbursements, including fees for expertise incurred in the present matter for and in the name of the Applicant and Class Members, and **ORDER** collective recovery of these sums;

CONDEMN the Respondent to pay the Applicant and Class Members the above-mentioned sums with interest at the legal rate, plus the additional indemnity provided by law, to accrue from the date of service of the present motion;

ORDER the Respondent to deposit with the Clerk of the Superior Court for the District of Montreal an amount equal to the total compensatory and punitive and exemplary damages caused by Respondent's wrongful behaviour during the class period; and **ORDER** the collective recovery of this amount, the whole according to proof to be made at trial, the whole with interest and the additional indemnity provided by law calculated from the date of service of the present Motion;

ORDER the individual liquidation in favour of the Designated Member and Class Members of a sum equivalent to their share of the damages claimed or, if this process turns out to be inefficient or impracticable,

ORDER the Respondent to perform any remedial measures that the Court may determine to be in the interest of the members of the Applicant or Class Members;

CONDEMN the Respondent to pay the costs incurred for all investigation necessary in order to establish the liability of Respondent in this matter, including the extra-judicial fees of counsel for Applicant and the Class Members and extra-judicial disbursements, including the costs of expertise;

RENDER any other order that this Honourable court shall determine may be just and proper;

THE WHOLE WITH COSTS, including the cost of notices.

- 13. The Applicant requests that it be granted representative status.**
- 14. The Applicant is suitable to act as representative plaintiff and is in a position to properly represent the Class Members**
 - A. The Wiichihiiwewin Centre and its Designated Member**
 - 14.1. The Applicant's Designated Member suffered abuse and harms while under the Minister's care and supervision, and while billeted by the Minister with a family in Fort George and was subsequently also taken from her family to be placed with a non-Indigenous family in [REDACTED]
 - 14.2. The Applicant's members and those whom it serves have been deeply affected by the abuse and the Applicant considers it to be the organization's moral obligation to seek justice through the judicial system in order to bring closure and justice to the Designated Member and to all Class Members.
 - 14.3. The Applicant understands and has been thoroughly advised as to the process required for this class action.
 - 14.4. The Applicant is committed to seeking a resolution to the problems caused by the abuse alleged herein, not just for its members but also for others.
 - 14.5. The Applicant is disposed to invest the necessary resources and time towards the accomplishment of all formalities and tasks necessary for the bringing of the present class action and is committed to collaborating fully with its attorneys.
 - 14.6. The Applicant is capable of providing its attorneys with the information useful to the bringing of the present class action.
 - 14.7. The Applicant is acting in good faith with the only goal of obtaining justice for its members and for each Class Member.
 - 14.8. The Applicant may ask for financial aid from the Fonds d'aide aux actions collectives. [...]
- 15. The Applicant requests that the Class Action be brought before the Superior Court for the District of Montreal for the following reasons:**
 - 15.1. To the Applicant's knowledge, most of the Class Members among the Cree in Québec are likely domiciled in the Cree communities of Waskaganish, Eastmain, Wemindji, Mistissini, and Chisasibi, which fall within the judicial district of Abitibi.

- 15.2. However, Waskaganish, Eastmain, Wemindji, Mistissini, and Chisasibi are located roughly 590 km, 700 km, 850 km, 583 km, and 930 km, respectively, from Val d'Or, the seat of the judicial district of Abitibi.
- 15.3. Given these great distances, Val d'Or is no more convenient for the Applicant, the Designated Member or Class Members to travel to than is Montreal.
- 15.4. For her part, the current Minister's principal place of business is in the District of Gatineau.
- 15.5. At the same time, the Applicant's undersigned attorneys practise in the District of Montreal and the Respondent also has a place of business in the District of Montreal, as well as in the District of Québec and the City of Ottawa.
- 15.6. It would greatly increase the time and costs of proceedings if the undersigned attorneys or those for the Respondent had to travel to Val d'Or for hearings.
- 15.7. Montreal is therefore the most appropriate location for this class action to be heard.

16. Conclusions

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the action;

AUTHORIZE the institution of the class action herein:

To sanction the Respondent's breach of its obligations, fiduciary duty, duty of care and its omissions;

To sanction its wrongful behaviour in permitting wrongful acts against the children in its care;

ASCRIBE to the Applicant the status of representative for the purpose of instituting the said class action on behalf of the group of natural persons hereinafter described:

Description of the group:

"Aboriginal children and adolescents who, when they were domiciled or resident in Québec, were billeted by the Government of Canada with families other than their own, or in [...] boarding homes (the "Primary Class"). The Primary Class excludes the claims released against the Government of Canada in respect of institutions covered by Schedules E and F of the Indian Residential Schools Settlement Agreement"; and [...]

“All persons who are a spouse or former spouse, child, grandchild or sibling of a member of the Primary Class and who suffered material and/or moral damages as a result of injury to the Primary Class Members (the “Family Class.”)” [...]

DETERMINE as follows the principal questions of fact and of law that will be dealt with collectively:

- a) Could or should the Minister as represented herein by the Respondent, including the Minister’s agents or servants, have foreseen that billeting families or those responsible for [...] boarding homes were in a position that could result in them abusing their positions of power, authority and trust over children entrusted to them?
- b) Did the Minister owe the Class Members a duty arising from circumstance, usage or law?
- c) Did the Minister breach its fiduciary, civil law and statutory duties to the Designated Member and the Class Members when it undertook a systematic program of forced integration of Aboriginal children through the establishment, implementation, administration and management of the placement programs for Aboriginal students?
- d) Did the Minister breach its fiduciary, civil law and statutory duties to the Designated Member and the Class Members by failing to consult adequately with Aboriginal communities and other Aboriginal stakeholders about the placement programs for Aboriginal students, the provision of funding to the program for that purpose, and the policies and practices that would be adopted in operating and administering that programs?
- e) Did the Minister take steps to protect and preserve the language, culture, identity, religion, heritage and customs of the Class Members, including by ensuring that adequate services and resources were provided to Primary Class Members to practice and maintain their Aboriginal language, culture, identity, religion, heritage and customs while in the care of billeting families or those responsible for [...] boarding homes?
- f) Did the Minister take steps to screen billeting families or those responsible for [...] boarding homes, prior to placing Primary Class Members in their care? If so, were these steps proper and adequate to prevent unqualified individuals from billeting children or caring for them in [...] boarding homes?
- g) Did the Minister provide proper, adequate and effective training or monitoring initially or on an on-going basis to ensure that billeting families or those responsible for [...] boarding homes were suitable and fit to act as its employees, servants, or agents?

- h) Did the Minister set or implement standards of conduct for billeting families or those responsible for [...] boarding homes with respect to the safety, health and well-being of Primary Class Members? If so, did the Minister fail to uphold these standards?
- i) Did the Minister fulfill its duty to supervise and monitor the performance and behaviour of billeting families or those responsible for [...] boarding homes to ensure that they performed and behaved as qualified, reasonable and prudent employees, servants, or agents?
- j) Did the Minister set or implement policies for recognizing and reporting potential abuse of or harm to Primary Class Members? If so, did the Minister fail to educate Primary Class Members in the use of a system through which abuse would be recognized and reported?
- k) Was the Minister aware of any injuries sustained by the Designated Member or Primary Class Members, which occurred while in the care of billeting families or [...] boarding homes? If so, did the Minister adequately investigate those injuries?
- l) Was the Minister aware of any complaints put forth by the Designated Member or Class Members, in relation to physical, psychological or sexual abuse? If so, did the Minister respond adequately to those complaints?
- m) Did the Minister provide adequate medical and psychological care for the Designated Member and Primary Class Members while in the care of billeting families or those responsible for [...] boarding homes?
- n) Was the Minister aware of inappropriate punishments delivered by billeting families or those responsible for [...] boarding homes? If so, did the Minister allow these punishments to continue?
- o) Did the Minister fail to provide leadership and fulfilment of its legal and moral obligations by not enforcing or creating guidelines on sexual abuse, thereby causing the Designated Member's and the Class Members' damages?
- p) Were billeting families or those responsible for [...] boarding homes, the Minister's employees, servant or agents? If so, is the Minister liable for the negligent and intentional acts committed by its employees, servants, or agents which harmed the Designated Member or Class Members?
- q) Was the Minister aware of the wrongful actions of its employees, servants, or agents, and if so, when did it become aware? If not aware, should the Minister have been aware of the wrongful actions committed by its employees, servants, or agents? [...]

DETERMINE as follows the related relief sought:

***ALLOW** the institution of the Applicant's class action;*

***GRANT** the Designated Member's application for an order allowing her to use a pseudonym for herself and for Class Members;*

***DECLARE** the Respondent Attorney General of Canada liable to the Designated Member and Class Members for the damages suffered by Respondent's breach of its fiduciary duty, its breach of its obligation to act as a parent solicitous of his or her child's welfare and its breach of its obligation of loyalty towards the Applicant and Class Members; [...]*

***DECLARE** the Respondent vicariously liable to the Designated Member and Class Members for the damages suffered by the negligent and intentionally wrongful actions of its employees, servants, or agents;*

***CONDEMN** the Respondent to pay to each of the Class Members compensatory, moral and punitive damages, and **ORDER** collective recovery of these sums;*

***CONDEMN** the Respondent to indemnify each and every Class Member for all damages that they have suffered as a result of Respondent's wrongful behaviour, and the wrongful behaviour of their employees, servants, and agents;*

AND TO THIS END:

***DECLARE** the Respondent liable for the cost of judicial and extra-judicial fees and disbursements, including fees for expertise incurred in the present matter for and in the name of the Applicant and Class Members, and **ORDER** collective recovery of these sums;*

***CONDEMN** the Respondent to pay the Applicant and Class Members the above-mentioned sums with interest at the legal rate, plus the additional indemnity provided by law, to accrue from the date of service of the present motion;*

***ORDER** the Respondent to deposit with the Clerk of the Superior Court for the District of Montreal an amount equal to the total compensatory and punitive and exemplary damages caused by Respondent's wrongful behaviour during the class period; and **ORDER** the collective recovery of this amount, the whole according to proof to be made at trial, the whole with interest and the additional indemnity provided by law calculated from the date of service of the present Motion;*

***ORDER** the individual liquidation in favour of the Designated Member and Class Members of a sum equivalent to their share of the damages claimed or, if this process turns out to be inefficient or impracticable,*

ORDER the Respondent to perform any remedial measures that the Court may determine to be in the interest of the members of the Applicant or Class Members;

CONDEMN the Respondent to pay the costs incurred for all investigation necessary in order to establish the liability of the Respondent in this matter, including the extra-judicial fees of counsel for Applicant and the Class Members and extra-judicial disbursements, including the costs of expertise;

RENDER any other order that this Honourable court shall determine may be just and proper;

THE WHOLE WITH COSTS, including the cost of notices.

DECLARE that, unless excluded, the members of the group are bound by any judgment to be handed down in the manner provided for by law;

SET the exclusion time period at 60 days after the date of the notice to members; upon expiry of the exclusion time period the members of the group who have not availed themselves of the means of exclusion will be bound by any judgment to be handed down;

ORDER the publication of a notice to the Class Members as determined by the Court, in accordance with art. 579, C.C.P.;

REFER the case to the Chief Judge for determination of the district where the class action will be instituted and designation of the judge who will hear it;

ORDER the clerk of this Court, should the action have to be instituted in another district, to transfer the record, upon the Chief Judge's decision, to the clerk of that other district;

The whole with costs, including the costs of notice.

Montréal, April 29, 2021

(S)

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NO : 500-06-000812-160

**SUPERIOR COURT
CLASS ACTION**

**CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL**

WIICHIHIWEWIN CENTRE OF WASKAGANISH

APPLICANT

AND

ANNE SMITH (PSEUDONYM)

DESIGNATED MEMBER

-v.-

ATTORNEY GENERAL OF CANADA

RESPONDENT

**RE-AMENDED (fifth modification)
APPLICATION FOR AUTHORIZATION
TO INSTITUTE A CLASS ACTION AND
TO OBTAIN THE STATUS OF
REPRESENTATIVE
(Art. 571 *et seq.*, C.C.P.)**

ORIGINAL

**Me David Schulze
Me Alexandre Carrier
Me Marie-Alice D'Aoust
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Our file #5100-005

Schedule E

Federal Court



Cour fédérale

Date: 20190628

Docket: T-1417-18

Ottawa, Ontario, June 28, 2019

PRESENT: Madam Justice Strickland

CLASS PROCEEDING

BETWEEN:

**REGINALD PERCIVAL, ALLAN MEDRICK
MCKAY, IONA TEENA MCKAY AND
LORNA WATTS**

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

ORDER

UPON MOTION in writing, brought pursuant to Rules 369 and 334.12(2) of the *Federal Courts Rules*, SOR/98-106 [Rules], seeking an order:

- a) certifying this action as a class proceeding;
- b) certifying the class and subclass;
- c) appointing the representative Plaintiffs;
- d) setting out the common issues of fact or law for the class and subclass; and
- e) appointing class and subclass counsel;

AND UPON review of the Amended Notice of Motion filed by the Plaintiffs on June 10, 2019;

AND UPON considering that the Plaintiffs and the Defendant have, on June 10, 2019, filed a joint consent to the Amended Notice of Motion and to the form of a draft order;

AND UPON considering that this action, commenced on July 24, 2018, concerns allegations by the Plaintiffs that Canada breached common law and fiduciary duties owed to Indigenous people in relation to “boarding home” programs that Canada operated in connection with providing educational programs to Indigenous students. These boarding home programs are alleged to have involved Canada placing Indigenous students in private homes, away from their families and communities, where they were not provided with reasonable access to their language, culture, identity, religion, heritage, customs and Aboriginal and treaty rights and where it is alleged that they experienced racism and physical, psychological, and sexual abuse, all as set out in the Statement of Claim;

AND UPON considering that a related proposed class action commenced in the Quebec Superior Court on September 21, 2016, *Anne Smith v Attorney General of Canada*, in the District of Montreal, Court file no. 500-06-000812-160, is proposed to be incorporated in this proposed class action by way of the proposed subclass. The Quebec proposed class action deals with similar subject matter, the boarding home program. However, because it also raises common questions of civil law that are not shared by all of the proposed class members from common law jurisdiction provinces, the proposed subclass has been identified;

AND UPON considering the certification conditions that must be met and, the matters to be considered as set out in Rule 334.16;

AND UPON being satisfied that this is an appropriate proceeding for certification as a class action on the proposed terms;

THIS COURT ORDERS that:

1. This action is certified as a class proceeding against the Defendant, Her Majesty the Queen in Right of Canada;
2. The classes in this proceeding are defined as follows:
 - (a) Primary Class means persons who were placed by the Government of Canada in private homes for the purpose of attending school, excluding placements made for the purpose of attending a post-secondary educational institution;
 - (b) Family Class means all persons who have a derivative claim in accordance with applicable family law legislation arising from a family relationship with a member of the Primary Class;

The Primary Class and the Family Class and their members are collectively described as the “Class” or “Class Members”;

3. A subclass in this proceeding, in which subclass members are Class Members but are separately represented, is defined as follows:
 - (a) Quebec Subclass means Class Members resident in Quebec at the time of their placement by Canada in such private homes;
4. The following persons are appointed as Representative Plaintiffs for the Class:
 - (a) Reginald Percival;
 - (b) Allan Medrick McKay;

(c) Iona Teena McKay; and

(d) Lorna Watts

5. The following person is appointed as the Representative Plaintiff in the Quebec

Subclass:

(a) Kenneth Weistche

6. Klein Lawyers LLP is appointed as Class Counsel;

7. Dionne Schulze S.E.N.C. is appointed as Quebec Subclass Counsel;

8. The following common questions of fact or law in this proceeding are certified for both the Class and the Quebec Subclass:

(a) Did Canada owe duties to Class Members as alleged in the Statement of Claim?

(b) If the answer to (a) is yes, did Canada breach any of those duties?

9. The relief sought by the Class is as set out in the Statement of Claim;

10. The parties shall, as a part of a joint litigation plan, specify the time and manner for Class Members to opt out of the Class proceeding, and shall bring an informal motion seeking to amend this Order to reflect the opt out provisions, all pursuant to Rules 334.17(1)(f) and 334.19. Should the parties fail to reach an agreement, a formal motion shall be brought in writing for determination by the Court;

11. No costs are payable on this Motion for certification, in accordance with Rule 334.39.

“Cecily Y. Strickland”

Judge

Schedule F

Date: *[Date of Order]*
Court File No.: T-1417-18

Vancouver, British Columbia , 2023

PRESENT: The Honourable Justice Pamel

CERTIFIED CLASS PROCEEDING

BETWEEN:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY and LORNA WATTS

Plaintiffs

and

HIS MAJESTY THE KING

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

ORDER

UPON HEARING THE MOTION made by the Plaintiffs, on consent, for an order pursuant to Rule 334.29 of the *Federal Courts Rules* approving a settlement agreement (the “Settlement Agreement”) and upon hearing counsel for the parties,

THIS COURT ORDERS that:

1. The Settlement Agreement which is attached to this order as Schedule “A” is hereby approved as fair and reasonable and in the best interests of class members as a whole.
2. [name] is hereby appointed as the Claims Administrator for the Settlement Agreement.
3. Each Primary Class Member or their Estate Executor or Personal Representative who has not opted out of the Class Action on or before the expiry of the Opt Out Period (hereinafter “Primary Class Releasers”) has fully, finally and forever released Canada, her servants, agents, officers and employees, from any and all actions, causes of action, common law, Quebec civil law

and statutory liabilities, contracts, claims, and demands of every nature or kind available, asserted or which could have been asserted whether known or unknown including for damages, contribution, indemnity, costs, expenses, and interest which any such Primary Class Releasor ever had, now has, or may hereafter have, directly or indirectly, arising from or in any way relating to or by way of any subrogated or assigned right or otherwise in relation to the individual claims relating to *Reginald Percival et al v. His Majesty the King* (T-1417-18), and this release includes any such claim made or that could have been made in any proceeding, whether asserted directly by the Primary Class Releasor or by any other person, group, or legal entity on behalf of or as representative for the Primary Class Releasor.

4. For greater certainty, Primary Class Releasors are deemed to agree that if they make any claim or demand or take any actions or proceedings against another person or persons in which any claim could arise against Canada for damages or contribution or indemnity and/or other relief over, whether by statute or the common law, Quebec civil law in relation to the individual claims under *Reginald Percival et al v. His Majesty the King* (T-1417-18), the Primary Class Releasor will expressly limit those claims so as to exclude any portion of Canada's responsibility.

5. Upon a final determination of an Application made under and in accordance with the Claims Process, Primary Class Releasors are also deemed to agree to release the Parties, Class Counsel, Quebec Subclass Counsel and counsel for Canada, the Claims Administrator, and the Independent Reviewer with respect to any claims that arise or could arise out of the application of the Claims Process, including but not limited to the sufficiency of the compensation received. Primary Class Releasors are not deemed to release any claim arising from the preparation of their individual Applications as against the lawyer or lawyers retained to assist them in the preparation of the Application.


6. Each Family Class Member who has not opted out of the Class Action on or before the expiry of the Opt Out Period ("Family Class Releasors") has fully, finally and forever released Canada, her servants, agents, officers and employees, from any and all actions, causes of action, common law, Quebec civil law and statutory liabilities, contracts, claims, and demands of every nature or kind available, asserted or which could have been asserted whether known or unknown

including for damages, contribution, indemnity, costs, expenses, and interest which any such Family Class Releasor ever had, now has, or may hereafter have, directly or indirectly, arising from or in any way relating to or by way of any subrogated or assigned right or otherwise in relation to the individual claims under *Reginald Percival et al v. His Majesty the King* (T-1417-18), and this release includes any such claim made or that could have been made in any proceeding, whether asserted directly by the Family Class Releasor or by any other person, group, or legal entity on behalf of or as representative for the Family Class Releasor.

7. For greater certainty, Family Class Releasors are deemed to agree that if they make any claim or demand or take any actions or proceedings against another person or persons in which any claim could arise against Canada for damages or contribution or indemnity and/or other relief over, whether by statute, the common law, or Quebec civil law, in relation to the individual claims under *Reginald Percival et al v. His Majesty the King* (T-1417-18), the Family Class Releasor will expressly limit those claims so as to exclude any portion of Canada's responsibility.

Judge

This is Exhibit "B" referred to in the
Affidavit of Aden Thompson-Klein
sworn before me on this 24th day of
July, 2023



A Commissioner of taking Affidavits
in the Province of British Columbia

Federal Court



Cour fédérale

Date: 20190628

Docket: T-1417-18

Ottawa, Ontario, June 28, 2019

PRESENT: Madam Justice Strickland

CLASS PROCEEDING

BETWEEN:

**REGINALD PERCIVAL, ALLAN MEDRICK
MCKAY, IONA TEENA MCKAY AND
LORNA WATTS**

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

ORDER

UPON MOTION in writing, brought pursuant to Rules 369 and 334.12(2) of the *Federal Courts Rules*, SOR/98-106 [Rules], seeking an order:

- a) certifying this action as a class proceeding;
- b) certifying the class and subclass;
- c) appointing the representative Plaintiffs;
- d) setting out the common issues of fact or law for the class and subclass; and
- e) appointing class and subclass counsel;

AND UPON review of the Amended Notice of Motion filed by the Plaintiffs on June 10, 2019;

AND UPON considering that the Plaintiffs and the Defendant have, on June 10, 2019, filed a joint consent to the Amended Notice of Motion and to the form of a draft order;

AND UPON considering that this action, commenced on July 24, 2018, concerns allegations by the Plaintiffs that Canada breached common law and fiduciary duties owed to Indigenous people in relation to “boarding home” programs that Canada operated in connection with providing educational programs to Indigenous students. These boarding home programs are alleged to have involved Canada placing Indigenous students in private homes, away from their families and communities, where they were not provided with reasonable access to their language, culture, identity, religion, heritage, customs and Aboriginal and treaty rights and where it is alleged that they experienced racism and physical, psychological, and sexual abuse, all as set out in the Statement of Claim;

AND UPON considering that a related proposed class action commenced in the Quebec Superior Court on September 21, 2016, *Anne Smith v Attorney General of Canada*, in the District of Montreal, Court file no. 500-06-000812-160, is proposed to be incorporated in this proposed class action by way of the proposed subclass. The Quebec proposed class action deals with similar subject matter, the boarding home program. However, because it also raises common questions of civil law that are not shared by all of the proposed class members from common law jurisdiction provinces, the proposed subclass has been identified;

AND UPON considering the certification conditions that must be met and, the matters to be considered as set out in Rule 334.16;

AND UPON being satisfied that this is an appropriate proceeding for certification as a class action on the proposed terms;

THIS COURT ORDERS that:

1. This action is certified as a class proceeding against the Defendant, Her Majesty the Queen in Right of Canada;
2. The classes in this proceeding are defined as follows:
 - (a) Primary Class means persons who were placed by the Government of Canada in private homes for the purpose of attending school, excluding placements made for the purpose of attending a post-secondary educational institution;
 - (b) Family Class means all persons who have a derivative claim in accordance with applicable family law legislation arising from a family relationship with a member of the Primary Class;

The Primary Class and the Family Class and their members are collectively described as the “Class” or “Class Members”;

3. A subclass in this proceeding, in which subclass members are Class Members but are separately represented, is defined as follows:
 - (a) Quebec Subclass means Class Members resident in Quebec at the time of their placement by Canada in such private homes;
4. The following persons are appointed as Representative Plaintiffs for the Class:
 - (a) Reginald Percival;
 - (b) Allan Medrick McKay;

(c) Iona Teena McKay; and

(d) Lorna Watts

5. The following person is appointed as the Representative Plaintiff in the Quebec

Subclass:

(a) Kenneth Weistche

6. Klein Lawyers LLP is appointed as Class Counsel;

7. Dionne Schulze S.E.N.C. is appointed as Quebec Subclass Counsel;

8. The following common questions of fact or law in this proceeding are certified for both the Class and the Quebec Subclass:

(a) Did Canada owe duties to Class Members as alleged in the Statement of Claim?

(b) If the answer to (a) is yes, did Canada breach any of those duties?

9. The relief sought by the Class is as set out in the Statement of Claim;

10. The parties shall, as a part of a joint litigation plan, specify the time and manner for Class Members to opt out of the Class proceeding, and shall bring an informal motion seeking to amend this Order to reflect the opt out provisions, all pursuant to Rules 334.17(1)(f) and 334.19. Should the parties fail to reach an agreement, a formal motion shall be brought in writing for determination by the Court;

11. No costs are payable on this Motion for certification, in accordance with Rule 334.39.

“Cecily Y. Strickland”

Judge

This is Exhibit "C" referred to in the
Affidavit of Aden Thompson-Klein
sworn before me on this 24th day of
July, 2023

A handwritten signature in black ink, appearing to be 'A. J. ...', written over a horizontal line.

A Commissioner of taking Affidavits
in the Province of British Columbia

Klein Lawyers LLP

Information Regarding Lawyers

David A. Klein, year of call 1980, is the firm's managing partner. David's practice is national in scope. He has been repeatedly recognized by Lexpert Survey as one of the most frequently recommended lawyers in class action litigation, by Best Lawyers in Canada as leading counsel in class action litigation, and by Benchmark Canada as a local litigation star. David has recovered hundreds of millions of dollars for thousands of victims in a wide range of landmark lawsuits.

Klein Lawyers *curriculum vitae* is set out below.

KLEIN LAWYERS LLP - THE FIRM

Klein Lawyers LLP ("Klein Lawyers") is respected nationwide and employs over 50 staff with offices in Vancouver and Toronto, Canada. Klein Lawyers has been a pioneer in class action litigation in Canada, with more than 27 years' experience in this practice area. Many of the firm's lawyers have been called to the bar in British Columbia, Ontario, and Washington State.

Klein Lawyers has also served as plaintiffs' counsel in the first class actions certified in several provinces, including British Columbia, Manitoba, and Newfoundland and Labrador.

David Klein, founder and partner of Klein Lawyers, is one of Canada's top class action lawyers. He has been recognized by *Lexpert* as one of the most frequently recommended lawyers in class action litigation and by *Best Lawyers in Canada* as leading counsel in class action litigation. Klein Lawyers has also been recognized by *Global Law Experts* as Class Action Law Firm of the Year in Canada.

Klein Lawyers has recovered hundreds of millions of dollars, for thousands of victims in a wide range of landmark lawsuits. The firm has undertaken, and demonstrated great skill and expertise, in class actions covering diverse industries ranging from defective drugs and medical devices to securities misrepresentations, deceptive marketing, pension and retirement benefits, food poisoning, institutional negligence, and environmental class actions.

JUDICIAL RECOGNITION OF KLEIN LAWYERS LLP'S EXPERIENCE

Klein Lawyers' class action expertise has been repeatedly recognized by Canadian courts over the past decades, including in the following reported decisions.

1. *Sawatzky v. Société Chirurgicale Instrumentarium Inc.*, 1999 CanLII 6982 at para. 11
 - "The negotiations were conducted by plaintiffs' counsel with experience in class proceedings."
2. *Sawatzky v. Société Chirurgicale Instrumentarium Inc.*, 1999 CanLII 6982 at para. 17
 - "The settlement agreement is supported by the representative plaintiff Bonita Jean Sawatzky. It was negotiated by senior counsel in three jurisdictions who have extensive experience in class actions. The plaintiff's counsel in each of the Canadian class actions consider the settlement agreement to be fair and in the best interests of the class."
3. *Fischer v. Delgratia Mining Corp.*, [1999] B.C.J. No. 3149 at para. 23
 - "I am satisfied it is apparent from the material, which is complicated, and, I might say very well organized, that it is evidence of the difficulty of the work and the skill and competence of counsel."
4. *Knudsen (Guardian of) v. Consolidated Food Brands Inc.*, 2001 BCSC 1837 (CanLII) at para. 40
 - "Plaintiff's counsel are senior members of the bar who have extensive experience in personal injury litigation and class actions...Plaintiff's counsel were aggressive in the prosecution of the action..I agree with Mr. Klein that this represents a very timely resolution of the litigation."
5. *Knudsen (Guardian of) v. Consolidated Food Brands Inc.*, 2001 BCSC 1837 (CanLII) at para. 42
 - "The degree of skill and effort of counsel for the representative plaintiff is evidenced by the result obtained for class members and the timeliness of the resolution.."
6. *Wilson v. Servier Canada Inc.*, [2001] O.J. No. 1615 at para. 17
 - "Third, this claim is very complex. Klein, Lyons is an experienced firm in class proceedings. There is an advantage to the national class generally to have the participation of additional counsel in this proceeding."
7. *Killough v. Canadian Red Cross Society*, 2001 BCSC 1745 (CanLII) at para. 28

- "Mr. Klein is experienced and able in relation to class proceedings. Over time he has acquired expertise that permits him to make a valuable contribution to the advancement and resolution of class actions."

8. *Killough v. Canadian Red Cross Society*, 2001 BCSC 1745 (CanLII) at para. 29

- "In so far as the settlement with the Province of British Columbia is concerned, I am satisfied that Mr. Klein's tenacity resulted in the discovery of the fact that funds had been advanced by the Province to the Red Cross and assisted in the attainment of the order in the *CCAA* proceeding resulting in the payment of \$6,531,382 to the Province."

9. *Killough v. Can. Red Cross*, 2001 BCSC 1060 (CanLII) at para. 13

- "He observed that the plan was the culmination of "two years of intense and complex negotiations", and he commended counsel for their efforts in what he characterized as a "difficult and sensitive case."

10. *Killough v. Can. Red Cross*, 2001 BCSC 1060 (CanLII) at para. 25

- "Thus, counsel's recommendation of the settlement has a firm foundation in fact, and is enhanced by the extensive experience of counsel in personal-injury litigation generally and in blood-related litigation and class actions."

11. *Pinksen v. Shell Canada Ltd.*, [2004] O.J. No. 42 at para. 1

- "The settlement is approved as well. It is imaginative and user friendly."

12. *Fakhri v. Alfalfa's Canada Inc.*, 2005 BCSC 1123 at para. 14

- "3. The class was represented in the negotiations by an experienced class action counsel."

13. *Fakhri v. Alfalfa's Canada Inc.*, 2005 BCSC 1123 at para. 23

- "The lead class counsel is experienced and has been recognized by the courts in approving settlements in other class actions. As well, the material in this case was complex and well organized, and is indicative of both the difficulty of the work and skill of counsel"

14. *Jeffrey v. Nortel Networks Corp.*, 2007 BCSC 69 at para. 29

- "Counsel for the plaintiffs in the various jurisdictions appear to be experienced in class proceedings, and to be recognized as skilled litigators. Certainly that is the case with the plaintiffs' British Columbia counsel."

15. *Rideout v. Health Labrador Corp*, 2007 NLTD 150 at para. 71

- "The Plaintiff has been represented by two experienced litigation firms, Ches Crosbie Barristers of St. John's, and Klein Lyons of British Columbia."

16. *Rideout v. Health Labrador Corp*, 2007 NLTD 150 at para. 74

- "Ches Crosbie Barristers has been a pioneer in the field of class actions in this Province and Klein Lyons has been successfully prosecuting class actions in Canada since the onset of class proceedings litigation in British Columbia and Ontario."

17. *Killough v. The Canadian Red Cross Society*, 2007 BCSC 941 (CanLII) at para. 35
(corrigendum)

- "I acknowledge that competent counsel have been engaged and have been at risk in this class action over an extended period of time, and that the value of the settlement to the class as a whole is significant."

18. *Richard v. British Columbia*, [2010] B.C.J. No. 1363 at para. 12

- "Klein Lyons, a firm of highly experienced class action counsel, came on the record of these proceedings for the plaintiffs in September 2007."

19. *Richard v. British Columbia*, [2010] B.C.J. No. 1363 at para. 13

- "Klein Lyons undertook the massive preparation necessary to take this matter to trial."

20. *McSherry v. Zimmer GMBH*, 2012 ONSC 4113 (CanLII) at para. 21

- "Klein Lyons is a litigation firm focusing on class actions. The firm is based in Vancouver but also has a Toronto office. It is one of the pioneers and veterans of class action litigation in Canada."

21. *Verna Doucette v. Eastern Regional Integrated Health Authority*, 2010 NLTD 29 at para. 42

- "In *Rideout v. Health Labrador Corp.*, 2007 NLTD 150, 2007 CarswellNfld 268 (N.L. T.D.), Russell, J., noted the experience of the same Plaintiff's counsel as in this action."

22. *Verna Doucette v. Eastern Regional Integrated Health Authority*, 2010 NLTD 29 at para. 58

- "The foregoing review of the evidence and the submissions of competent counsel for both sides support a determination in favor of approval. Both counsel, throughout, vigorously advanced their clients' positions. An arms-length mediation with the parties physically separated effected the resolution"

23. *Verna Doucette v. Eastern Regional Integrated Health Authority*, 2010 NLTD 29 at para. 59

- "In my view, the evidence and counsels' submissions confirm the complexity of litigation and time inherent in the full advancement of these claims. The estimate of 7 years to complete is not unreasonable..."

24. *McSherry v. Zimmer GMBH*, 2012 ONSC 4113 (CanLII) at para. 148

- "In reaching my decision to award carriage to Klein Lyons for Jones/McSherry, I focused on what was in the best interests of class members."

25. *Stanway v. Wyeth Canada Inc.*, 2015 BCSC 983 (CanLII) at para. 39

- "Mr. Klein of Klein Lawyers has over 20 years of experience in the field of class action litigation and has appeared as plaintiffs' counsel in over 25 certified class actions in six provinces. He has written and presented extensively on the topic and has a particular interest in medical products litigation."

26. *Jones v. Zimmer GMBH*, 2016 ONSC 1847 at para. 47

- "(e) Recommendations and Experience of Counsel for the plaintiffs and the defendants are both very experienced in the field of class actions and where personal injury is involved."

27. *Merlo v. R*, 2017 FC 533 at para. 2

- "The proposed settlement has a number of features and benefits that extend beyond a strictly monetary compensation scheme and as a result, the Settlement Agreement goes well beyond what the Plaintiffs may have been awarded after a trial"

28. *Merlo v. R*, 2017 FC 533 at para. 34

- "Class counsel, Klein Lawyers LLP and Kim Orr Barristers P.C., are highly experienced in class action litigation. Both firms have practiced in the specialized area of class action litigation for over 20 years"

29. *Merlo v. R*, 2017 FC 533 at para. 25

- "I accept the submissions of Class counsel that even without discovery they had a wealth of information on the nature of the claims they were advancing. They were also well positioned to understand the factual matrix of these claims and the challenges they would face in moving forward with the litigation."

30. *Merlo v. R*, 2017 FC 533 at para. 89

- "This was multi-faceted complex class litigation with substantive legal complexity involving novel claims with potential legislative barriers. While relief of this nature is outside the litigation realm, these were factors which the class members insisted upon and which added a level of complexity for Class counsel."

31. *Merlo v. R*, 2017 FC 533 at para. 93

- “As noted above, there is no question that Class counsel is highly experienced in the specialized field of class actions. Their experience has been noted in other class action decisions (*Ramdath v. George Brown*, 2016 ONSC 3536 at para 2, [2016] OJ No. 2803; *McSherry v Zimmer GMBH*, 2012 ONSC 4113 at para 21, 226 ACWS (3d) 351; *Richard v. British Columbia*, 2010 BCSC 773 at para 12, 191 ACWS (3d) 734; *Rideout v Health Labrador Corp*, 2007 NLTD 150 at para 270 Nfld & PEIR 90)”

32. *Tiller v. R*, 2020 F 321 at para 67

- “As expected, Class Counsel recommend this Settlement Agreement. More germane is that both firms are experienced class action counsel involved in a variety of such claims. Klein Lawyers have direct, highly relevant experience from *Merlo-Davidson* and are well versed in issues, complexities of the case and needs of the Class.”

33. *Nelson v. Telus Communications Inc. (Part 3)*, 2021 ONSC 24 at para 11

- “On January 5, 2018, Ms. Nelson commenced her proposed class action. Her proposed Class Counsel is Klein Lawyers, LLP, an experienced and well-qualified class action law firm.”

This is Exhibit "D" referred to in the Affidavit of Aden Thompson-Klein sworn before me on this 24th day of July, 2023

A handwritten signature in black ink, appearing to be 'A. Thompson-Klein', written over a horizontal line.

A Commissioner of taking Affidavits
in the Province of British Columbia

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This is Exhibit "E" referred to in the
Affidavit of Aden Thompson-Klein
sworn before me on this 24th day of
July, 2023

A handwritten signature in black ink, appearing to read 'Aden Thompson-Klein', written over a horizontal line.

A Commissioner of taking Affidavits
in the Province of British Columbia

**FEDERAL INDIAN BOARDING HOMES
POLICY
FINAL REPORT**



**Joan Holmes & Associates Inc.
for
Resolution and Partnerships – Crown-Indigenous Relations and Northern
Affairs Canada
May 2023**

FEDERAL INDIAN BOARDING HOMES POLICY FINAL REPORT

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1. Introduction

1. Scope of Study

This report covers a time frame starting in approximately 1950 and ending in approximately 1990, with some information on events both before and after this period. It is intended to provide an overview of the national Boarding Home Program, with examples and data from regions across the country. While the emphasis of the report is on the development of federal policies and their implementation, significant regional variations in policy and program delivery are also highlighted in the report.

For the purposes of this study, the researchers began with a very general definition of a “boarding home,” in order to ensure that the review encompassed all relevant policies and programs. Initial research therefore included some documents pertaining to group homes, hostels, and foster homes. As the research progressed, this definition has been refined. In this report, the term boarding home is used to refer to a private family home where one or more Indigenous students were housed away from their parents or legal guardians in order to attend an educational program. The boarding home is distinct from a group home or hostel in that it is a private family home; it is distinct from a foster home in that the boarding home operators were not legal guardians of the students and that the primary purpose of the placement was to access educational services. In the report, the terms “Indian,” “Indian students,” and “Indian children” are used as they are found in the source documents. The name “Indian Affairs” is used to identify CIRNAC/ISC and its predecessors in general.

2. Source Materials

The principal source materials consulted for this report have been the documents collected in the “Federal Boarding Homes” Ringtail database. JHA was provided with access to this database for the purposes of this project, but we were not key players in the development of the collection, so it was not always clear if there are gaps that could be resolved with additional research.

JHA has also benefitted from a review of draft reports on policy for the various regions provided by SACCB at the outset of this project. These reports identify many key documents that are cited in this report.

JHA also conducted limited research at LAC and in secondary sources.

Some key sources of information searched in the Federal Boarding Homes (FBH) database include handbooks, guides, circulars, application forms, and assessments. Around 1960, the Indian Affairs Branch published an “Indian Student’s Handbook” for the Boarding Home Program in general. Regional programs also created their own guides and handbooks for students and boarding homes. Some of the local guides are very similarly worded and appear to have been copied from one another, although it is no longer possible to determine the original source. These guides and handbooks have been used throughout the report as a source of information on how the program was explained to the students, boarding home operators, and parents. They include rules, guidelines, and general information on how the programs were intended to function.

A key source of information for understanding how field staff interpreted policy guidelines is the many examples of Forms IA 4-49 “Application for Tuition Grant” found in the Federal Boarding Homes database, as well as subsequent Educational Assistance forms used in the 1970s and beyond.

Targeted searches to resolve gaps in information on particular regions, policy statements, and events have also been conducted.

3. Chronology of Key Events

The chronology below identifies key decisions and changes that affected the Boarding Home Program.

1951 First documentation of payment for boarding homes

Although there is anecdotal evidence that boarding homes had been in use since before Confederation, the first documentation of a payment by Indian Affairs for the room and board of a student living in a private home in order to attend school dates from 1951.¹ This is discussed in Section 5.1.

1951 New *Indian Act* and implementation of the integrated school policy

Section 113 of the 1951 *Indian Act* allowed Indian Affairs to implement an integration policy by authorizing the Minister to enter into agreements with governments and school boards in order to provide Indian students with access to non-federal educational facilities and services.² This is discussed in Section 2.2.

1956 *Indian Act* amended to limit education services to on-reserve families

¹ Voucher No. 846, December 27, 1951 [FBH-011332]. RG 10 Volume 9041 File 26/25-8 Part 3 Library and Archives Canada.

² *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 52]. See Section 113.

Section 4(3) was introduced in order to reinforce limitations of the education provisions to Indian children living on a reserve or on Crown lands.³ This is discussed in Section 2.2.

1958 Educational Assistance Funding introduced

Order in Council P.C. 1958-8/1578 of November 20, 1958, approved the Educational Assistance Program and therefore authorized Indian Affairs to pay for room and board for those students who needed to leave home to pursue their education in non-Indian schools.⁴ This is discussed in Section 3.2, in particular in Section 3.2.2.

1960s Indian Affairs Branch Field Manual

Through the years Indian Affairs developed a series of regulations and guides mostly intended for Indian Agents in the field. These were later compiled to form a comprehensive manual. Education formed Chapter 11 and sub-chapters included policy, transportation, and Educational Assistance.⁵ This is discussed in Section 4.1.2.

1965 Counsellors positions created

The Education Branch created a new position for counsellors with responsibility for managing boarding home placements.⁶ This is discussed in Section 6.1.

1967 Hawthorn Report

This report recommended transforming the residential schools into hostel facilities only.⁷ This is discussed in Section 9.1.

1968 Earned Income Program

Canada created a new program offering senior students the option of controlling their Education Assistance funding themselves through the receipt of bi-weekly cheques.⁸ This is discussed in Section 3.6.

1969 White Paper

The Hawthorn Report incited Canada to propose the end of the federal government's responsibilities to the Indigenous population of Canada, thus

³ *An Act to amend the Indian Act*, S.C. 1956, c. 40 [BHR-003011, p. 103]. See Section 4(3).

⁴ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01]]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

⁵ Indian Affairs Branch Field Manual, Chapter 11, "Education" [BHR-003009]. No source information provided.

⁶ R. F. Davey, Director, Education Services, June 7, 1965 [NCA-013117-0000]; and attached "Teacher Counsellors," June 7, 1965 [NCA-013117-0001]. Both in RG10, Vol. 8597, File 1/1-13, pt. 7 Library and Archives Canada.

⁷ H. B. Hawthorn, ed., *A Survey of the Contemporary Indians of Canada – Economic, Political, Educational Needs and Policies*, two parts (Ottawa: Indian and Northern Affairs October, 1967) [BHR-3019 and BHR-003020]. Found at: <https://publications.gc.ca/site/eng/9.700111/publication.html>.

⁸ R. F. Davey, Director of Education Services, to all Regional School Superintendents, September 11, 1968 [VAN-020273[00-03]]. 901/25-8, [Folder 3], 08/01/1968-05/31/1969, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver.

transferring responsibilities for education to the provincial governments.⁹ This led to strong opposition from the Indigenous community and constrained the government to abandon this proposal the following year. See Section 2.1.2 and Section 4.1.2.

1969 Snider Report

This study of the Boarding Home Program was launched in 1968. Its purpose was to assess the strengths and weaknesses of the program. The results of this study encouraged Indian Affairs to extend the program.¹⁰ The Report is discussed in Section 9.2.

1970 Education Assistance Guidelines

The Education Assistance policy was substantially updated in 1970, including changes to eligibility criteria and funding.¹¹ This is discussed in Section 4.3.1.

1972 Indian Control of Indian Education

The release of this report by the National Indian Brotherhood urged greater participation by Indigenous families and communities in education and a full range of high-quality education options for Indigenous students.¹² It is discussed in Section 9.5.

1978 Program Circular E-1

This Circular on Education Policy was released in November 1978. It stated that housing arrangements for Indigenous students who needed to leave home in order to pursue their education could be made either by the Band Council or DIAND, though the Department still limited its responsibility to on-reserve students. The Circular outlined changes brought to Education Policy.¹³ The Circular is discussed in Section 4.1.4.

⁹ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 15].

¹⁰ “Study of Boarding Home Program for Indian High School Students,” circa February 1968 [FBH-007787]. RG 10 Accession 1999-01431-6 Box 68 File 1/25-8-18 Part 2 Library and Archives Canada.

¹¹ DIAND, Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, 1970 [200653B, p. 8]. File 701/25-8, Vol. 9, 01/1970-04/1971 National Archives of Canada – Edmonton.

¹² National Indian Brotherhood, “Indian Control of Indian Education,” policy paper presented to the Minister of Indian Affairs and Northern Development, 1972) [BHR-003022, p. 21].

¹³ R. D. Brown, Assistant Deputy Minister – Programs Indian and Inuit Affairs, November 1, 1978 [VAN-045006[01-01], pp. 3-9]. 701/25-1, Pt. 32, 01/1979-03/1980, Education – General, Acc. 1997-98/161, Box 71, F.A. 10-437, LAC-Ottawa.

4. Vocabulary List

This vocabulary list includes terminology specific to the history of the Boarding Home Program. The report assumes that the reader has a general knowledge of Indigenous matters and does not define terms such as: status Indian, Band, and residential school.

The reader should note that many of the documents consulted in the preparation of this report use the term “parent” to refer to both boarding home operators and the natural parents of the students. For clarity, this report reserves the term “parent” for the natural parents, using the term “boarding home operators” to refer to the adults running boarding homes. Where the term “parent” appears in a direct quote, the reader should be alert to the context of the quote in order to avoid confusion.

Allowance: monthly personal allowances, first authorized by Order in Council in November 1958. The money was directed to students whose families were not able to cover costs such as transportation, laundry, and incidental expenses.¹⁴ Allowances are discussed in Section 3.5.

Boarding Home: a private family home where one or more Indigenous students were housed away from their parents or legal guardians in order to attend an educational program.

Counsellor: a staffing position created to provide one-on-one support to students. In the context of the Boarding Home Program, counsellors could be any one of the following: guidance counsellors, vocational counsellors, sending counsellors, or receiving counsellors. In 1977, DIAND introduced a Native Counsellor program to increase the number of Indigenous people serving as education counsellors. This is discussed in Section 6.1.

Devolution: the transfer of responsibility for a program to Indigenous organizations, usually either Band Councils or Regional/Tribal Councils. Devolution is discussed in Section 10.

Earned Income Program (EIP): a program dedicated to senior students, launched and authorized in 1968, directly giving the students the money required to pay for their

¹⁴ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], p. 3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

room and board, clothing, and incidental expenses.¹⁵ The EIP is discussed further in Section 3.6.

Educational Assistance: a program approved by Order in Council in November 1958 authorizing Indian Affairs to pay for room and board for students attending non-Indian schools while staying at boarding homes. In addition, Indian Affairs had authority to cover the costs of transportation, allowance and clothing.¹⁶ The term “Educational Assistance” replaced “Tuition Grant” in 1960.¹⁷ The program is discussed below in Section 3.2, in particular in Section 3.2.2.

Foster Home: often defined as a placement for welfare purposes rather than educational purposes, but sometimes used to describe boarding home placements as well.¹⁸ At one point, Indian Affairs proposed that the key distinction was that boarding home placements did not involve a transfer of guardianship.¹⁹ This is also discussed in Section 5.3.4.

Group Home: a small residence for 8-12 students, usually located close to the school(s), and supervised by a child care worker/supervisor or Indigenous/Inuit house-parents.²⁰

Hostel: originally defined as living accommodation in residential schools for students enrolled in either federal or non-federal schools;²¹ later used in some contexts as a synonym for group homes.²²

¹⁵ R. F. Davey, Director of Education Services, to all Regional School Superintendents, September 11, 1968 [VAN-020273[00-03]]. 901/25-8, [Folder 3], 08/01/1968-05/31/1969, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver.

¹⁶ A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, pp. 1-2]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

¹⁷ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

¹⁸ See for example, A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, p. 13]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

¹⁹ DIAND. Draft of Policy Governing Placement of Indian Children in Boarding Homes, circa November 1961 [FBH-000863[01-02], p. 1]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

²⁰ Pelican Group Homes – Staff Manual – 1979 [FBH-018385]. RG 10 Accession 2014-01956-8 Box 11 File 401/25-1-18 Part 1 Library and Archives Canada; The Indian and Eskimo In the Northern Territories, October 29, 1969 [NCA-016590-0002, p. 3]. File 1/1-2-16-1, Vol. 9, Locator N359-3 National Capital Regional Service Centre – LAC – Ottawa; DIAND to Bergevin, September 15, 1969 [FBH-004458[01-01], p. 6]. RG 10 Accession 2014-00827-2 Box 24 File 1/25-1 Part 35 Library and Archives Canada.

Tuition Grant: funding paid for an individual student attending a non-Indian school. Tuition grants could include payment for room and board.²³ In 1960, the term “Tuition Grant” was replaced by “Educational Assistance.”²⁴ Section 3.1 discusses it further.

²¹ Circular No. 62 [NCA-013241]. RG10, Vol. 8769, File 1/25-8, pt. 5 Library and Archives Canada.

²² See, for example, The Hostel Program, 1976, Fort George, Quebec [NCA-004293-0002, p. 2]. File 372/25-13-019, Vol. 1, Control 87-Q-18 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

²³ R. F. Davey, Superintendent of Education, to Indian Commissioner for B.C., Regional Supervisors of Indian Agencies, Superintendents of Indian Agencies, April 1, 1957 [FBH-001981]. RG 10 Volume 11452 File 494/25-8 Part 1 Library and Archives Canada.

²⁴ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

2. Establishment and Background

This report focuses on the Boarding Home Program organized and funded beginning in 1958, but it is worth noting that even before Confederation, several legislatures had made provision in order to assist Indian students who wished to attend schools serving non-Indian children, including the payment to local authorities for tuition and board.²⁵ In this section, some basic information on education services to Indigenous students is provided for general context, including the basic legislative and organizational framework within which the Boarding Home Program developed.

1. The Constitution Act of 1867

The basis of the federal government's relationship with Indigenous people stems from Section 91 of the *British North America Act (BNA Act)*, later known as the *Constitution Act*, and from treaty agreements with particular Indigenous nations and peoples. The 1867 *BNA Act* authorized Parliament to legislate over "Indians, and Lands reserved for the Indians,"²⁶ though the division of powers, in that same Act, placed education services under the authority of the provinces. This has led to a historical divide between education services provided to Indigenous peoples, particularly those recognized as "Indians" in federal legislation, and education services for other Canadians. Section 91(24) of the *Constitution Act* reads:

91. It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say, --

[...]

²⁵ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program. Report, Education Program. Saskatchewan – Indian-Eskimo Program, Information Centre (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000005, p. 5], found at: https://publications.gc.ca/collections/collection_2017/aanc-inac/R5-258-1971-eng.pdf.

²⁶ *British North America Act*, 1867, S.C. 1867, c. 30 (30-31 Vict.), Subsection 91(24), found at: <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/constitution/lawreg-loireg/p1t13.html> [BHR-003014].

24. Indians, and Lands reserved for the Indians.
[...].²⁷

In practice, federal responsibility for services to Indigenous peoples is principally organized through the *Indian Act*, with additional legislation in specific areas such as lands and revenues that are not directly relevant to education.

2. *Indian Act Education Provisions*

The federal government chose to legislate education for Indigenous children through the *Indian Act*. The first *Indian Act* was introduced in 1876, but it made no reference to schools or education other than to state that the chiefs might establish rules and regulations for “[t]he construction and repair of school houses.”²⁸ The first provisions for the transportation of Indian children were introduced in the 1920 *Indian Act*, allowing transportation to and from boarding or industrial schools. On April 1, 1928, Indian Affairs introduced a new policy that all costs of Indian education would be paid from Parliamentary appropriation.²⁹ This policy is discussed further in Section 3.1. below. There was no amendment to the *Indian Act* at this time.

Regarding personal allowances, although the 1920 *Indian Act* allowed for provisions for the maintenance of Indian students residing in industrial or boarding schools out of their annuities and interest moneys, no provision was aimed at children attending non-federal schools. A system of tuition grants though had been helping such students since the late 1920s.

Following the Second World War, Indian Affairs policy shifted from “assimilation” to “integration.” In practice, the goal remained the same and the assimilation of Indigenous children through education was still the target, but the method changed. From a segregated system using all-Indigenous day schools and residential schools, Indian Affairs slowly moved towards a system using provincial schools, integrating Indigenous students into classrooms with non-Indigenous students.

A key mechanism used to integrate on-reserve Indian children into provincially- and territorially-run schools was the negotiation of joint agreements. Starting in 1949, the federal government established many joint agreements with individual school boards,

²⁷ *British North America Act, 1867*, S.C. 1867, c. 30 (30-31 Vict.), Subsection 91(24) [BHR-003013, p. 20].

²⁸ *The Indian Act, 1876*, S.C. 1876, c. 18 (39 Vict.), Sec. 63(6) [BHR-003010, p. 20].

²⁹ Philip Phelan, Chief, Training Division, Welfare and Training Service, Department of Mines and Resources, Indian Affairs Branch, June 27, 1940 [251099 – not in FBH database]. LAC RG10 Vol. 6487 File 42104-3 Pt. 1.

provinces, and territories, as discussed below in Section 2.3. And while Indian Affairs did have some infrastructure to provide education to status Indian children who were not yet integrated into the provincial or territorial systems, it could not accommodate them all. As of 1950, Indian Affairs estimated that there were still many thousands of status Indian children without access to education facilities, although the number of day school classrooms had increased over the prior three years from 285 to nearly 450.³⁰

The integration policy developed out of discussions of the Special Joint Committee of the Senate and House of Commons, established from 1946-48 to review Indian Affairs. A brief submitted by the Native Brotherhood of British Columbia recommended that greater opportunities be provided for Indian students to attend high schools and universities.³¹ In its final report, the Committee strongly recommended educating Indian children with non-Indian children. Its seventh recommendation reads:

7. The Operation of Indian Schools

Your Committee recommends the revision of those sections of the Act which pertain to education, in order to prepare Indian children to take their place as citizens.

Your committee, therefore, recommends that wherever and whenever possible Indian children should be educated in association with other children.³²

The results of this Committee study led to amendments of the *Indian Act* in 1951. New sections concerning education were added: Sections 113 to 122 empowered the Minister of Indian Affairs to provide education services, transportation, and residence to Indian children living on-reserve.³³ Section 113 of the Act in particular allowed the Governor in Council to authorize the Minister to enter into agreements with provincial and territorial governments, school boards and other organizations, thus enabling

³⁰ Bernard F. Neary, Superintendent of Indian Education, Indian Affairs Branch, to Colonel Acland, March 27, 1950 [FDS-000057]. LAC RG 22 Vol. 1 File 1-1-8-3.

³¹ John F. Leslie, ed., "The Historical Development of the Indian Act from Colonial Days to 1951," 3rd Edition, prepared for the Claims and Historical Research Centre, Special Claims, Specific Claims Branch, DIAND, 2007, p. 135 [BHR-003008].

³² Special Joint Committee of the Senate and House of Commons, *Recommendations of the Special Joint Committee of the Senate and the House of Commons*, Fourth Report, June 22, 1948 (Canada: Special Joint Committee of the Senate and House of Commons, 1948) [BHR-003021, p. 13 of PDF].

³³ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 14].

Indian students to continue their education when they had to leave their homes in order to do so. Section 113 reads:

113. The Governor in Council may authorize the Minister, in accordance with this Act,
(a) to establish, operate and maintain schools for Indian children,
(b) to enter into agreements on behalf of His Majesty for the education in accordance with this Act of Indian children, with
(i) the government of a province,
(ii) the council of the Northwest Territories,
(iii) the council of the Yukon Territory,
(iv) a public or separate school board, and
(v) a religious or charitable organization.³⁴

Section 114 empowered the Minister to provide for various services, including education and transportation:

114. The Minister may
(a) provide for and make regulations with respect to standards for buildings, equipment, teaching, education, inspection and discipline in connection with schools,
(b) provide for the transportation of children to and from school,
(c) enter into agreements with religious organizations for the support and maintenance of children who are being educated in schools operated by those organizations, and
(d) apply the whole or any part of moneys that would otherwise be payable to or on behalf of a child who is attending a residential school to the maintenance of that child at that school.³⁵

Section 114(b) allowed the Minister to provide for the transportation of children to and from school. In contrast to Section 9(3) of the 1920 *Indian Act*, this clause does not limit the transportation to “boarding or industrial schools,” and would therefore allow for transportation of children to federal day schools. Section 122(b) defined “school” as including day schools, technical schools, high schools, and residential schools.³⁶ After the passage of the 1951 *Indian Act*, Indian Affairs would seek authority pursuant to Section 113(a) of the *Indian Act* to establish, operate, and maintain schools for Indian children.

³⁴ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 52]. See Section 113.

³⁵ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 52]. See Section 114.

³⁶ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 55]. See Section 122(b).

The 1951 *Indian Act* also empowered the Minister to ensure that all children from the age of six to the age of sixteen inclusive receive an education. Section 115 states as follows:

- 115.** (1) Subject to section one hundred and sixteen, every Indian child who has attained the age of seven years shall attend school.
- (2) The Minister may
- (a) permit an Indian who has attained the age of six years to attend school,
- (b) require an Indian who becomes sixteen years of age during the school term to continue to attend school until the end of that term, and
- (c) require an Indian who becomes sixteen years of age to attend school for such further period as the Minister considers advisable, but no Indian shall be required to attend school after he becomes eighteen years of age.³⁷

An amendment to the *Indian Act*, in 1956, introduced Section 4(3) to reinforce the limitations of the provisions of education, transportation, and residence services to those Indian children living on a reserve or on Crown lands. Subsection 4(3) of the Act was introduced to read:

- (3) Sections 113 to 122 and, unless the Minister otherwise orders, sections 42 to 52 do not apply to or in respect of any Indian who does not ordinarily reside on a reserve or on lands belonging to Her Majesty in right of Canada or a province.³⁸

Following the revision of the *Indian Act*, a program was put in place providing funds to allow Indian children to pursue their education away from their homes when necessary. Existing on-reserve schools were unable to meet the total school requirements for Indian students, due both to an increase in their numbers and their educational advancement.³⁹ This pressure led to the adoption of Order in Council P.C. 1958-8/1578, which authorized the provision of educational services and facilities to Indian children, for both educational or professional training, and including financial assistance in paying

³⁷ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 53]. See Section 115.

³⁸ *An Act to amend the Indian Act*, S.C. 1956, c. 40 [BHR-003011, p. 103].

³⁹ Indigenous and Northern Affairs Canada, Program Information Center – Report on the Education Program (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000007, p. 46], found at: https://publications.gc.ca/collections/collection_2017/aanc-inac/R5-287-1971-eng.pdf.

tuition fees, school supplies, transportation, room and board, and also providing a monthly personal allowance.

In the meantime, federal day school policy often rested upon the assumption that students would eventually be enrolled in provincial schools. As a result, federal school policies were designed to blend in with the overall integration policy. Indeed, the first duty listed in a 1963 guide for Indian day school Supervising Principals was “to promote an expanding integration program.”⁴⁰ This remained the dominant policy driver until the 1973 introduction of the “Indian Control of Indian Education” policy.

By 1962, H. M. Jones, Director of Education, could write that the federal government was either providing the facilities to pursue high school education to Indian students, or the funds necessary to pursue their education in integrated schools. Jones further wrote that Indian Affairs had assumed “some responsibility” for many years for the education of secondary students where high school facilities had been lacking. He also stated that, by 1956, Indian Affairs “had assumed the necessary cost of tuition and maintenance for all Indian children who were capable of secondary school work and who desired to have secondary school education if they had to leave home in order to obtain it.”⁴¹

Perhaps in order to further clarify the situation, around the same time, discussions had begun as to the possible revision of the Education sections of the *Indian Act*. Legal opinion was sought on various matters, including as to whether Section 113 of the *Act* was adequate enough to cover the maintenance of Indian children in private homes, adding:

It occurs to us in this connection that it may be desirable simply to amend Section 113 to make clear that the Minister may provide for the education and kindergarten training of Indians and for related maintenance, support and transportation, etc. either (1) directly, or (2) subject to the approval of the Governor in Council, by agreement with provinces, territories, school boards, religious or charitable organizations etc.; if this were done, then paragraph (b) and (c) of Section 114 would become redundant and the additional authorities

⁴⁰ “Revised Guide for Supervising Principals,” Indian Affairs Branch, Department of Citizenship and Immigration, May 1963 [FDS-000141, p. 2]. LAC RG 10 Vol. 8598 File 1/1-13-1 Pt. 8.

⁴¹ H. M. Jones, Director, to Mrs. Audrey VanSickle, Executive Secretary, The Canadian Home and School and Parent-Teacher Federation, Toronto, August 7, 1962 [FBH-002241, p. 2]. RG 10 Volume 8770 File 1/25-8 Part 6 Library and Archives Canada.

proposed in the Memorandum to Cabinet (i.e. for kindergartens etc.) would be provided.⁴²

In the end, Section 113 was not amended as proposed, and even the revised 1970 *Indian Act* retained the same “redundancy.”

In May 1967, discussions were well underway towards a revision of the *Indian Act*. Various changes were recommended by the Minister, including a revision of the education provisions “to provide or to make arrangements for the provision of all types of educational services from kindergarten to adult education for Indians.”⁴³

The 1969 White Paper suggested ending the federal government’s responsibilities to the Indigenous population of Canada, which would have transferred responsibilities for education to the provincial governments, with the stated goal of ending the discrimination implemented by the *Indian Act* and Indian status.⁴⁴ After immediate and emphatic reactions from Indigenous organizations, this proposal was withdrawn in 1970.

In the revised *Indian Act*, 1970, the sections pertaining to education were re-numbered Sections 114 to 123.

In 1985, Bill C-31 was used to amend the *Indian Act*. The purpose of that Bill was to conform with the equality rights guaranteed by Section 15 of the *Canadian Charter of Rights and Freedom* – the Charter – as it allowed women who had previously lost their Indian status to regain their status, along with their children.

3. *Integrated Schools Policy*

Beginning after 1928, the Department approved individual tuition grants for certain students to attend provincial high schools or provincial technical or vocational schools. This was often necessary because on-reserve schools provided elementary education only and students needed to leave the reserve to obtain secondary education. After the Second World War, Indian Affairs began to alter its policies on education to prefer systems in which Indian students would “integrate” into non-Indigenous schools at the

⁴² Secretary, to G. F. Davidson, Deputy Minister of Citizenship and Immigration, October 24, 1962 [NPC-524398]. R776-0-5 (RG 55) Vol. 407 – Book 68.

⁴³ Arthur Laing, Minister of Indian Affairs and Northern Development, to the Cabinet, May 29, 1967 [PBQ-002989, p. 3]. RG 85, Volume 1913, File R-152-9-3 Part 1 Library and Archives Canada.

⁴⁴ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 15].

elementary level as well. This required negotiation with the provinces to make arrangements for the federal government to cover the costs of Indian students attending provincial schools.

With the 1951 reformulation of the *Indian Act*, Indian Affairs was able to pursue and reinforce its integrated education policy. As seen above, the changes to the *Indian Act* allowed Indian Affairs to enter into agreements with the provinces or local school boards to purchase school accommodation for Indian students within provincially-run schools. At first, the mechanism used was to make agreements to pay for additional classroom space, but soon the federal government began to negotiate agreements to pay for the ongoing costs of educating Indigenous students in provincial schools. By 1958, approximately 7,330 Indian students, 19% of the on-reserve Indian student population, were attending provincial, territorial, or private schools.⁴⁵

The “joint school agreements” Indian Affairs entered into with local school boards fall into two broad categories: 1) capital agreements, in which Indian Affairs paid some or all of the capital construction costs for schools or additions to schools to accommodate Indian students, on a prorated basis; and 2) tuition agreements, normally calculated on the basis of a prorated portion of the schools’ annual operating costs. Tuition agreements were also used to negotiate and/or define responsibility for additional services such as transportation to and from school and the provision of school supplies. Until 1958, Indian Affairs negotiated only capital agreements with local school boards. In 1958, Indian Affairs obtained Treasury Board approval to enter into tuition agreements to purchase educational services for on-reserve Indian children in schools where no capital construction costs were necessary for their accommodation.

1. First Joint-School Agreements

Indian Affairs had entered a few agreements with local school boards prior to the 1951 *Indian Act*. The first joint capital contribution agreement was signed on June 3, 1949, for \$17,500.00 with the Government of the Province of Manitoba to accommodate the Nelson House Band (No. 578-313) in the Oscar Blackburn School in South Indian Lake.⁴⁶ Although no written justification has been found for the decision to enter the 1949 agreement, DIAND officials opined, in 1987, that “it was felt that this was the best way to provide quality education at an acceptable capital cost per student.”⁴⁷ In 1950, Indian

⁴⁵ Treasury Board Minute 536849, August 19, 1958 [Doc. No. 150394, p. 2]. LAC RG 55 FA 55-22 Acc. 1980-81/069, Untitled, 1948-1965 (194 boxes) Box 191 File 1703 Pt. 1, Indian Act, 1947-1960.

⁴⁶ No evidence has been found of any boarding home arrangements connected to this agreement.

⁴⁷ G. Pitsicoulis, Education Branch, “Discussion Paper Joint School Agreements,” November 2, 1987 [BHR-003032[00-04], p. 1]. File E 4932-1, UNC Vol. 2, Ann. 1, DIAND.

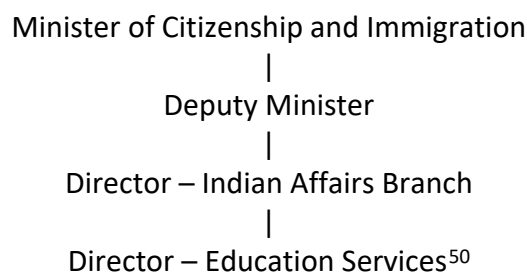
Affairs entered into a total of seven agreements with local school boards to allow on-reserve Indian children to attend provincial schools.

4. Decision and Reporting Hierarchy

By 1956, apart from the Headquarters staff, the Indian Educational administration and supervision came under the direction of the Regional Supervisors of the respective provinces. These Regional Supervisors thus exercised control over educational matters and six Regional Inspectors of Schools distributed as follows: 1 each for Ontario, Manitoba, Saskatchewan, and Alberta (4 in total), 1 for Quebec and the Maritimes, and 1 for British Columbia and Yukon.⁴⁸

By April 1960, educational assistance, involving educational training beyond the elementary level, necessitated individual applications and authorities. On approval of the application by the Regional Office Committee, which consisted of the Regional Superintendent of School, Social Worker, Placement Officer and Supervising Clerk, an authority for expenditure was to be requested from the Department or issued by the Regional Office.⁴⁹

As of 1964, the head of Education Services was the Director of Education, who reported as follows:



⁴⁸ Department of Citizenship and Immigration, Indian Affairs Branch, Survey of the Educational Facilities and Requirements of the Indians in Canada: Part I – General Report, 1956 [GOT-001603, p. 25]. INAC Library, E97/C34 Pt.1 c.2. Accessed online February 25, 2021, found at: https://publications.gc.ca/collections/collection_2017/aanc-inac/R5-319-1-1956-eng.pdf.

⁴⁹ A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, pp. 1-2]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

⁵⁰ Department of Citizenship and Immigration, Indian Affairs Branch, *The administration of Indian affairs: Prepared for 1964 Federal-Provincial Conference on Indian affairs*, organization chart dated June 1, 1964 [BHR-003016, p. 7].

When the Department of Indian Affairs and Northern Development was created in 1967, the reporting structure for Education Services to the Minister remained substantially the same.

The Indian Affairs Field Manual as of November 28, 1967, represented the overall chain of reporting within the Education Branch as follows:

(d) The Regional School Superintendent is the senior education officer in the field. He is responsible to the Regional Supervisor for the efficient operation of Indian schools and for the provision of adequate educational facilities for all Indian children within the region. It is his duty to interpret the educational policy of the Department for the field officials in the region. He may delegate certain responsibilities to a District School Superintendent or Supervising Principal in those regions where school districts and special areas of supervision have been formed. The District School Superintendent and the Supervising Principal are responsible to the Regional School Superintendent for the fulfilment of those duties assigned to them. The School Superintendents and Supervising Principals will co-operate closely with the Agency Superintendents who have been assigned specific administrative duties with respect to the operation and maintenance of the schools.⁵¹

By 1968, counsellors were under the jurisdiction of the District Superintendent of Schools.⁵² The responsibilities of counsellors are discussed further in Section 6.1 below.

By 1989, the organization of the Department was still very similar to the structure put in place by the 1960s, with Regional and District Offices. Their responsibilities were divided as follows:

Headquarters is responsible for resource acquisition and allocation to the Regions. Other responsibilities include policy development and interpretation, and providing functional direction to Regional offices.

⁵¹ Indian Affairs Branch Field Manual, Chapter 11, "Education," updated to March 1963 [BHR-003009, p. 11]. No source information provided.

⁵² "Report of Meeting on the Field Organization for the Administration and Supervision of the Student Residences and Private Home Placement", October 17, 1968 [NEL-001979[01-03], p. 3]. 1/25-8, Vol. 11, 00/00/1968-00/00/1969, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

Regions are responsible for identifying and justifying their resource requirement, based on input from District offices and/or Indian controlled organizations. Regions also allocate budgets to District offices or, in some cases, provide funds to the Indian administering organization. They also provide advice, guidance and support on education matters, and they monitor and report on education operations.

District offices are responsible for collecting and reporting of financial and student data. Districts operate Federal elementary / secondary schools, and they advise and assist Indian organizations who administer their own education programs.⁵³

5. Roles and Responsibilities

Different organizational levels exercised different roles and responsibilities. From the top, this started with the Indian Affairs Minister, while agency staff, school principals and even teachers could also be involved in the placement of Indian children in private homes. This section outlines the key positions during the 1950s and 1960s. Changes to the education program and the Boarding Home Program in the 1970s, particularly with the devolution of funding to Bands and Councils, are discussed in Sections 3 and 4 below.

1. Minister of Indian Affairs

The 1951 *Indian Act*, Sections 113 to 122, empowered the Minister of Indian Affairs to provide education services, transportation, and residence to Indian children living on-reserve.⁵⁴ Section 114 in particular empowered the Minister to provide for the education and transportation of those school-aged children:

- 114.** The Minister may
- (a) provide for and make regulations with respect to standards for buildings, equipment, teaching, education, inspection and discipline in connection with schools,
 - (b) provide for the transportation of children to and from school,

⁵³ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 11].

⁵⁴ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 14].

- (c) enter into agreements with religious organizations for the support and maintenance of children who are being educated in schools operated by those organizations, and
- (d) apply the whole or any part of moneys that would otherwise be payable to or on behalf of a child who is attending a residential school to the maintenance of that child at that school.⁵⁵

It also empowered the Minister to ensure that all children from the age of six to the age of sixteen inclusive receive an education. Section 115 states as follows:

- 115.** (1) Subject to section one hundred and sixteen, every Indian child who has attained the age of seven years shall attend school.
- (2) The Minister may
- (a) permit an Indian who has attained the age of six years to attend school,
 - (b) require an Indian who becomes sixteen years of age during the school term to continue to attend school until the end of that term, and
 - (c) require an Indian who becomes sixteen years of age to attend school for such further period as the Minister considers advisable, but no Indian shall be required to attend school after he becomes eighteen years of age.⁵⁶

A 1983 letter from the Minister of Indian Affairs to the Indian Association of Alberta provides some insight into the Department's understanding of the Educational Assistance Program as a mandatory responsibility for on-reserve students. With regard to the Minister's responsibilities, they were limited to the education of Indian children living on reserve or on Crown land, as per Sections 4(3) and 114 to 123 of the *Indian Act*. With respect to the provision of financial assistance for education, the Minister stated it should be made quite clear that:

... the provision of financial assistance for such items as room and board, tuition, books and supplies, transportation and incidental expenses was and still is considered to be *non-discretionary* for on-reserve students where they have no option but to leave home for the appropriate educational program. [emphasis added]⁵⁷

⁵⁵ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 52]. See Section 114.

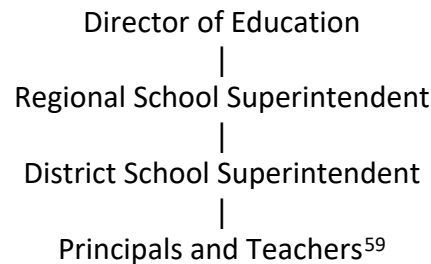
⁵⁶ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 53]. See Section 115.

⁵⁷ John C. Munro to Ernest Crane, Indian Association of Alberta, November 14, 1983 [250729]. LAC Edmonton File 4785-2-1 Vol. 2, 12/1982-04/1984.

2. Director of Education

The Director of Education was responsible for the field organization of the education staff.⁵⁸

The Indian Affairs field manual, updated to November 1967, included guides for district school superintendents and supervising principals. An organizational chart provided the following hierarchy for supervision:



3. Regional Supervisors

The Regional Supervisor represented the Director of Education in the field, and by 1959 was asked to delegate some of his responsibilities to trusted “specialists,” who were responsible to him. However, such delegation did not relieve him of the overall responsibility for all education services.⁶⁰ By February 1960, Regional Supervisors were to provide direction to their Agency Superintendents on educational assistance matters.⁶¹

4. Regional School Superintendents

Circular No. 53 stated that “social guidance” of the student fell under the responsibility of the Regional School Superintendent. Although the circular does not indicate what is involved in social guidance, it added that the Regional Social Worker and Placement

⁵⁸ R. F. Davey, Director, Education Branch, to the Assistant Deputy Minister (Social Affairs), November 4, 1968 [FBH-004459[00-04], p. 2]. RG 10 Accession 2014-00827-2 Box 24 File 1/25-1 Part 35 Library and Archives Canada.

⁵⁹ DIAND, Guide for District School Superintendents, January 1967 [Doc. No. 019964]. Source unknown – Residential Schools Database. See p. 9 (p. 8 in original). Also see Extract from the Indian Affairs Branch Field Manual, Chapter 11, “Education,” updated to November 28, 1967 [Doc. No. BHR-003009]. Source unknown – Residential Schools Database. See Appendix DD, p. 150.

⁶⁰ DIAND, Committee “A” Organization, circa January 1959 [254978a, pp. 1-3]. Vol. 13351, File 901/1-2-2-32, pt. 1, Folder 2 of 2, Conferences – Regional Directors, 1958/12-1970/10, FA 10-138 NAC – Burnaby.

⁶¹ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

Officer were to assist him in various tasks, including on matters related to home counselling.⁶²

By 1960, the Indian Affairs Branch Field Manual described the Regional School Superintendent as being the most senior education officer in the field. Within the region, he was responsible to the Regional Supervisor for the operation of the schools and the provision of adequate educational facilities for all Indian children. He could delegate certain responsibilities to a District School Superintendent or Supervising Principal where school districts had been formed.⁶³

The renamed Regional Superintendent of Education, in 1968, represented the Director of Education and was to coordinate all educational programs at the regional level.⁶⁴

5. District School Superintendents and Supervising Principals

Both district superintendents and principals were responsible to the Regional School Superintendent and were to cooperate closely with the Agency Superintendents.⁶⁵

Circular No. 205, dated October 24, 1962, was issued in order to clarify shared responsibilities between the Agency Superintendent and the District School Superintendent. Both were responsible for making a survey of the coming high school population and were to submit the District's needs to the Regional office, including recommendations regarding accommodation.⁶⁶

An appendix to the Indian Affairs Field manual (1967) titled "Guide for District School Superintendents" listed their duties and responsibilities, none of which apparently related to the supervision of the Boarding Home Program.⁶⁷

⁶² A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, pp. 1-2]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

⁶³ Indian Affairs Branch Field Manual, Chapter 11, "Education," Amendment No. 1, September 1960 [BHR-003009, p. 11]. No source information provided.

⁶⁴ R. F. Davey, Director, Education Branch, to the Assistant Deputy Minister (Social Affairs), November 4, 1968 [FBH-004459[00-04], p. 2]. RG 10 Accession 2014-00827-2 Box 24 File 1/25-1 Part 35 Library and Archives Canada.

⁶⁵ Indian Affairs Branch Field Manual, Chapter 11, "Education," Amendment No. 1, September 1960 [BHR-003009, p. 11]. No source information provided.

⁶⁶ J. V. Boys, Indian Commissioner for B.C., to all Agency Superintendents, District Superintendents of Schools, School Principals, October 24, 1962 [VAN-046037]. E4700-1, Pt. 4, 04/11/1963-01/06/1965, General, Acc. 2013-00326-9, Box. 6, F.A. 10-650, LAC-Vancouver.

⁶⁷ Indian Affairs Branch Field Manual, Appendix DD, "Guide for District School Superintendents," Amendment No. 1, September 1960 [BHR-003009, p. 145]. No source information provided.

By 1988, in the Shellbrook District, the Education Counsellor was responsible for the “room and board program.”⁶⁸

6. Agency Superintendents

By 1960, Regional Supervisors were expected to provide direction to their Agency Superintendents on matters relating to educational assistance.⁶⁹ At the same time, they were assigned specific administrative duties by the District School Superintendents and the Supervising Principals as it related to the operation and maintenance of the schools.⁷⁰ By November 1961, Agency officials were responsible for assessing the needs as it related to the placement of Indian children in boarding homes.⁷¹

Circular No. 205, cited above, described the Agency Superintendent’s duties, as they related to educational assistance, in detail. Applications were to originate with the Agency Superintendent, and applications on behalf of high school students living in boarding homes were to be sent to the District School Superintendent by July 15 and Regional office by August 1. The Agency Superintendent was also responsible for the preparation of submissions relating to pupil transportation; however, transportation needs were to be reviewed in consultation with the District School Superintendent.⁷²

Applications for individual assistance were to be submitted on Form IA 4-49, each form to be signed by the principal of the last school attended. The Superintendent of the Indian Agency was to provide a signed statement relating to the family circumstances justifying the amount of assistance required. Each region was to assume full responsibility for the use of the allotted funds for the individual assistance. The Parliamentary Appropriation was to be divided “as equitably as possible between the various regions,” and no additional funds were available during the fiscal year.

It will be the responsibility of each region to see that the funds provided are used to the best possible advantage for the greatest

⁶⁸ “District Education Staff Responsibilities,” September 1988 [FBH-003118[01-01]. RG 10 Accession 1998-00847-9 Box 11 File E-4700-1 Part 5 Library and Archives Canada.

⁶⁹ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

⁷⁰ Indian Affairs Branch Field Manual, Chapter 11, “Education,” Amendment No. 1, September 1960 [BHR-003009, p. 11]. No source information provided.

⁷¹ DIAND. Draft of Policy Governing Placement of Indian Children in Boarding Homes, circa November 1961 [FBH-000863[01-02], p. 2]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

⁷² J. V. Boys, Indian Commissioner for B.C., to all Agency Superintendents, District Superintendents of Schools, School Principals, October 24, 1962 [VAN-046037]. E4700-1, Pt. 4, 04/11/1963-01/06/1965, General, Acc. 2013-00326-9, Box. 6, F.A. 10-650, LAC-Vancouver.

number of students and as their financial circumstances warrant. It will also be their responsibility to see that the encumbrance is not over-committed for expenditures which must be made within the fiscal year concerned.⁷³

7. Principals and Teachers

Supervising Principals were responsible for multiple schools, and in many cases served as the only principals, particularly in the many districts where one-room or other small schools predominated. A 1956 “Guide for Supervising Principals” stated that supervising principals were responsible to regional school superintendents for the administration and supervision of the groups of schools assigned to them. One of their duties consisted of guiding and counselling the senior students who were applying for tuition grants for higher education or vocational training.⁷⁴

By a circular dated July 30, 1958, the Department stated that it favoured the involvement of Indian Residential School Principals in placing Indian children for the summer months “since it provides the children with an opportunity of being away from institutional life for the summer months.”⁷⁵

By November 1961, the cooperation and recommendations of teachers in running the Boarding Home program was encouraged.⁷⁶

⁷³ Indian Affairs Branch Field Manual, Section 11.08 [BHR-003009, pp. 16-20]. No source information provided.

⁷⁴ Indian Affairs Branch Field Manual, Appendix CC, “Guide for Supervising Principals,” October 24, 1956 [BHR-003009, p. 138]. No source information provided.

⁷⁵ R. F. Battle, Regional Supervisor of Indian Agencies, to all Alberta Superintendents, Alberta & N.W.T. Region, and all Alberta Principals of Residential Schools [OMI-030946, p. 1]. Acc. 71.220/9187/245 Provincial Archives – Alberta.

⁷⁶ DIAND, Draft of Policy Governing Placement of Indian Children in Boarding Homes, circa November 1961 [FBH-000863[01-02], p. 2]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

3. Funding

Treasury Board Minutes, Orders in Council, and other administrative instruments govern the manner in which federal expenditures are made. Federal departments may request funding for programs and services by means of a memorandum to Cabinet (MC), a Treasury Board submission (TB submission), and/or a submission to the Governor in Council (GIC submission). The differences among these three forms of authority are significant, as the Treasury Board explains:

An MC focuses primarily on the policy rationale and overall funding for a new policy or program initiative. A TB submission provides details on program design, specific costs, expected results and outcomes, and program delivery and implementation. A GIC submission seeks specific approval from the executive arm of government.

Even after a federal organization has obtained policy approval, it does not necessarily have the appropriate authority to carry out a Cabinet decision. Board or GIC approval is often also needed.⁷⁷

A Treasury Board submission is required to contain information on the source of authority to bring the submission to the Board. The source of authority may be legislation, regulations, policy, or previous approvals by the Board and/or Cabinet:

Education funding is regulated in the Financial Administration Act. The Departmental Estimates propose a budget for various Indian education services (eg. teacher salaries, books, and supplies). DIAND negotiates with the Treasury Board to determine acceptable prices for these services. Money is then allocated to the region, the district, and finally the band.

...

Indian education programs operate under the authority of Sections 4(3),⁷⁸ 69, 114-123 of the Indian Act, various Treasury Board Minutes, and Orders-in-Council. As well, the Minister of Indian Affairs can approve regulations regarding Indian education. Indian bands

⁷⁷ Treasury Board Secretariat of Canada, *A Guide to Preparing Treasury Board Submissions*, 2007 [DNL-00278]. See Section 2.2.

⁷⁸ As seen above in Section 2.1.1, Section 4(3) of the Act came into effect in 1956 in order to limit authority over educational services to Indians residing on reserve or on Crown lands.

controlling their education programs must observe the educational standards imposed by their provincial Ministry of Education.⁷⁹

1. Tuition Grants

On April 1, 1928, Indian Affairs decided that all costs of Indian education would be paid from Parliamentary appropriation in the form of tuition grants and that payments from band funds for education would not be approved.⁸⁰ By the late 1930s, however, Indian Affairs officials raised concerns that some additional funding might be required for students requiring services beyond the basic education covered by tuition grants. In some cases, the Department approved individual tuition grants for certain students. In 1938, the Superintendent of Welfare and Training informed the Indian Commissioner for British Columbia that such tuition grants were usually made on the recommendation and approval of the Indian Agents and school principals.⁸¹ In a 1940 letter from the Chief of Indian Affairs' Training Division rejecting the suggestion to approve the payment of tuition grants for high school students from band funds, the official stated:

If the practice of paying from band funds is again recognized it will mean the Department will have no control over the expenditure as quite likely every Indian belonging to the band in question will desire to have his child receive a high school education....⁸²

Early in the 1950s, IA 506 forms were completed by the Indian Superintendents when the Department was required to pay room and board for a student. The amount was charged against appropriation, as authorized by a Letter of Authority (Departmental Letter).⁸³ Some examples are discussed in Section 5.1 below.

⁷⁹ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, pp. 14-15].

⁸⁰ Philip Phelan, Chief, Training Division, Welfare and Training Service, Department of Mines and Resources, Indian Affairs Branch, June 27, 1940 [Doc. No. 251099]. LAC RG10 Vol. 6487 File 42104-3 Pt. 1.

⁸¹ R. A. Hoey, Superintendent of Welfare and Training, to Major D. M. MacKay, Indian Commissioner for British Columbia, December 5, 1938 [Doc No 251071]. LAC File 871-1 Vol. 6431 Pt. 3, 05/1938-12/1944.

⁸² Philip Phelan, Chief, Training Division, Welfare and Training Service, Indian Affairs Branch, Department of Mines and Resources, to Mr. Patrick, June 27, 1940 [Doc. No. 251099]. LAC RG 10 Vol. 6487 File 42104-3 Pt. 1.

⁸³ DIAND, "Form No. I.A.506B," July 31, 1951 [FBH-011345[00-01]]. RG 10 Volume 9041 File 26/25-8 Part 3 Library and Archives Canada.

A memorandum was sent in April 1954 by the Superintendent of Education, R. F. Davey, discussing the procedures to obtain or renew tuition grants. A tuition grant was defined as follows:

A tuition grant is a sum payable on the basis of individual merit and need for the education of an Indian pupil attending a non-Indian school. The Department expects the student and parents to make the maximum contribution their circumstances will permit. In the case of high school students grants will be continued only when students successfully complete each year's studies.⁸⁴

All applications were to be signed by the principal of the last school attended and by the Indian Superintendent and were to be submitted before August 1st of each year.

Significantly, a tuition grant could be used to pay for room and board in private homes, as well as tuition. Davey reported complaints received by the Department about delays relating to “payment of board and lodging for pupils enrolled in non-Indian schools and living in private homes.”⁸⁵

A similar memorandum was sent out in 1957. The definition of a tuition grant had been updated in order to emphasize the fact that students and parents were expected to contribute:

A tuition grant is a sum payable on the basis of individual need and merit for an Indian pupil attending a non-Indian school, and the Department expects the student and parents to make the maximum contribution which their circumstances will permit.⁸⁶

The 1957 instructions added that when an existing grant was renewed, only a letter from the Agency Superintendent was necessary, along with an enclosed statement from

⁸⁴ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Ottawa, to the Indian Commissioner for B.C., all Regional Supervisors, the Indian Superintendents, Agents and Regional Inspectors of Indian Schools, April 13, 1954 [FBH-001579]. RG 10 Volume 8955 File 55/25-8 Part 1 Library and Archives Canada.

⁸⁵ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Ottawa, to the Indian Commissioner for B.C., all Regional Supervisors, the Indian Superintendents, Agents and Regional Inspectors of Indian Schools, April 13, 1954 [FBH-001579]. RG 10 Volume 8955 File 55/25-8 Part 1 Library and Archives Canada.

⁸⁶ R.F. Davey, Superintendent of Education, Indian Affairs Branch, Department of Citizenship and Immigration, to the Indian Commissioner for B.C., Regional Supervisors of Indian Agencies, and Superintendents of Indian Agencies, April 1, 1957 [FBH-001981]. RG 10 Volume 11452 File 494/25-8 Part 1 Library and Archives Canada.

the school attesting about the success of the student. In the case of a new application, Form IA 4-49 was to be completed and forwarded to the Regional Office. Since funds were limited, Indian Affairs officials were warned that extreme care would have to be taken in determining the amount of tuition required, and that, other than in the most urgent cases, the grants should not be expended on items such as noon lunches, personal expenses, or transportation, which should be met by the parents of students themselves. The memorandum also noted that as of April 1, 1957, the Welfare Division would assume responsibility for the purchase of clothing for students with approved tuition grants.⁸⁷

Forms IA 4-49 “Application for Tuition Grant” were usually completed and signed by the Teacher or the School Principal and then recommended for approval or refusal by the Indian Superintendent. Part D, “Remarks of Indian Superintendent,” usually indicated if the parent or the legal guardian was able to provide some kind of financial assistance to the child. Remarks written by Superintendents show that the parents or guardians were requested to assist with education, transportation, personal allowance, or clothing costs.⁸⁸

Tuition grants during the 1958-59 school year were authorized under Vote 526-42-804 for students attending non-Indian Day Schools from Grades 9-12, while “Indian students attending non-Indian schools from Grades one to eight inclusive were not covered by an authority for expenditure issued from the regional Office.”⁸⁹ A memorandum sent in April 1959 informed that “authority 60 0416 under file 217/25-8 (E11)” authorized tuition grants for students from Grades 1-12 “regardless of whether they are in elementary or high schools.”⁹⁰

⁸⁷ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Department of Citizenship and Immigration, to the Indian Commissioner for B.C., Regional Supervisors of Indian Agencies, and Superintendents of Indian Agencies, April 1, 1957 [FBH-001981]. RG 10 Volume 11452 File 494/25-8 Part 1 Library and Archives Canada.

⁸⁸ DIAND, Application for Tuition Grant, August 4, 1959 [VAN-055073. 25-8, Pt. 5, 07/01/1959-01/31/1960, Tuition grants, Acc. 1989-90/101, Box 41, F.A. 10-151, LAC-Vancouver.

⁸⁹ A. G. Leslie, Assistant Regional Supervisor, Manitoba, to the Indian Affairs Branch, Ottawa, April 17, 1959 [NEL-002039]. 501/25-8, Pt. 1, 1951-1959, Manitoba – General Correspondence regarding Educational Assistance for Indians, Perm. Vol. 8774, F.A. 10-28, Reel C-9708, LAC – Ottawa.

⁹⁰ A. G. Leslie, Assistant Regional Supervisor, Manitoba, to the Indian Affairs Branch, Ottawa, April 17, 1959 [NEL-002039]. 501/25-8, Pt. 1, 1951-1959, Manitoba – General Correspondence regarding Educational Assistance for Indians, Perm. Vol. 8774, F.A. 10-28, Reel C-9708, LAC – Ottawa.

Educational Assistance was eventually authorized by an Order in Council dated November 20, 1958. And on February 15, 1960, Indian Affairs sent out a circular stating that the term “Educational Assistance” was to replace the term “tuition grant.”⁹¹

2. Authorization of Educational Assistance, 1958

The 1950s saw an increase in the number of Indian students enrolled in reserve schools. That period also experienced an increase in the educational advancement of the Indian students. Overall, the reserve schools came to be unable to meet both increased demands.

On August 19, 1958, Indian Affairs sought authority to enter into agreements with provincial non-Indian schools for the education of Indian students in elementary and high school grades when capital construction costs were not involved. At the same time, Indian Affairs sought formal authority for its practice of providing financial assistance, including funding for room, board, and allowances to Indian students in non-Indian schools.⁹²

In addition to the tuition fees, it sought authority to pay the costs of books and supplies; the cost of transportation from the place of residence to the school and return; the cost of partial or total room and board; and the cost of providing students with a monthly personal allowance to cover carfare, laundry, and other incidental expenditures in connection with their education. This Treasury Board Minute noted that such educational assistance was “in accordance with the intent of the *Indian Act* under which similar treatment is provided to Indian students attending Indian Day or Residential Schools,”⁹³ and remarked that the junior and high school population had been increasing at a fast rate over the last eight years.

Additionally, Indian Affairs sought authority to extend financial assistance to senior Indian students in professional, vocational, and other special courses, including students attending universities, teachers’ and nurses’ training courses, commercial and trade courses. While many of these senior students were probably adults attending post-secondary institutions, there were children under the age of 18 that attended vocational

⁹¹ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

⁹² Treasury Board Minute 536849, August 19, 1958 [Doc. No. 150394, p. 2]. LAC RG 55 Acc. 1980-81/069 Box 191 File 1703 Pt. 1, Indian Act, 1947-1960.

⁹³ Treasury Board Minute 536849, August 19, 1958 [Doc. No. 150394, p. 2]. LAC RG 55 FA 55-22 Acc. 1980-81/069, Untitled, 1948-1965 (194 boxes), Box 191 File 1703 Pt. 1, Indian Act, 1947-1960.

schools.⁹⁴ Indian Affairs explained that the *Indian Act* did not provide for agreements with private educational institutions that were not of a religious or charitable nature; as a result, Indian parents or the students were expected to pay the full or partial cost of these courses. However, Indian Affairs recognized that in many instances it was necessary to provide financial assistance to enable the students to undertake such courses. The financial assistance would cover the same categories offered to Indian students in non-Indian elementary and high schools, namely tuition, books, supplies, transportation, room and board, and personal allowances for incidental expenditures.⁹⁵

1. Order in Council P.C. 1958-8/1578

On November 20, 1958, the Governor General in Council approved Indian Affairs' practice, which was acknowledged to have been in effect for a "number of years," of providing educational assistance to Indians receiving "educational and professional training of various types at non-Indian schools."⁹⁶ Partial or total transportation costs, as well as room and board, were often necessary when students had to leave their homes or travel some distance to attend educational institutions. The Treasury Board also noted that it had "recently been found essential"⁹⁷ to grant monthly allowances to cover miscellaneous expenses such as carfare, laundry, and other incidentals to some orphans or students from poor families.⁹⁸ As a result, the Treasury Board agreed to establish the Educational Assistance Program, which would be paid from the Department's Education Vote, No. 74, on behalf of Indians in training. The estimate for the 1958 fiscal year was \$850,000 and was expected to increase by approximately 20% annually. The OC stated as follows:

That for a number of years it has been the practice of the Indian Affairs Branch to render financial assistance to Indians, to help them receive educational and professional training of various types at non-Indian schools;

⁹⁴ DIAND's definition of the terms "junior" and "senior" students may have changed through time. Approximately, junior students were below age 16 or 17 and below Grade 9 or 10, and senior students were both over the age of 15 or 16 and above Grade 8 or 9.

⁹⁵ Treasury Board Minute 536849, August 19, 1958 [Doc. No. 150394, p. 3]. LAC RG 55 FA 55-22 Acc. 1980-81/069, Untitled, 1948-1965 (194 boxes), Box 191 File 1703 Pt. 1, Indian Act, 1947-1960.

⁹⁶ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], p. 2]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

⁹⁷ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], p. 3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

⁹⁸ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], p. 3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

That payments have been necessary for tuition fees and school supplies for most Indians above the elementary and in some cases at the elementary, school level;

That partial or total transportation costs and board and room have often been necessary when the student had to leave his home to receive training, or if his home was some distance from the educational institution attended;

That it has recently been found essential, on occasion, when the student is an orphan or his family is poor, to provide a monthly personal allowance to cover such miscellaneous expenses as carfare, laundry and other incidentals;

That the cost of this programme for the present fiscal year is estimated at \$850,000 and may be expected to increase by approximately 20 per cent annually if the present trend continues. [emphasis added]⁹⁹

Empowered by the Section 113 of the *Indian Act*, which authorized the Minister to enter into agreements for the educational training of Indians with the government of a province, the council of the Northwest Territories, the council of the Yukon Territory, a public or separate school board, and with a religious or charitable organization, the Privy Council further recommended that authority be granted:

(1) to pay from the Education Vote, No. 74, of the Department of Citizenship and Immigration, on behalf of Indians in training:

(a) the cost of tuition, books and supplies;

(b) the cost of transportation for the student from his place of residence to the school and return;

(c) the cost of partial or total board and room (according to the financial circumstances of the parents or student) while attending an institution of learning;

⁹⁹ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], pp. 2-3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

(d) the cost of providing the student with a monthly personal allowance to cover carfare, laundry and other incidental expenditures in connection with his educational training;

and,

(2) to enter into agreements, exclusive of agreements requiring payment of lump sums for capital expenditures, with the authorities mentioned in Section 113(b) of the Indian Act, for the educational training of Indians. [emphasis added]¹⁰⁰

2. The Educational Assistance Program

With the 1958 Treasury Board approval of the Educational Assistance Program, Indian Affairs had authority to pay for room and board for students attending non-Indian schools while staying at boarding homes. In addition to the payment of room and board, Indian Affairs obtained authority to pay the costs of tuition fees, books and supplies, transportation from the place of residence to the school and return, and the cost of providing students with a monthly personal allowance to cover carfare, laundry, and other incidental expenditures in connection with their education. While payments for tuition, books, and supplies to Indian children attending elementary joint schools could be arranged without individual authority or application, applications were still required for other forms of assistance, such as room and board. These forms of assistance were intended for students “beyond the elementary level.”¹⁰¹ In 1961, the Educational Assistance Program was expanded to include assistance for clothing, based on the financial circumstances of the student and the institution being attended.

When Indian students had to be placed in private homes, an Application for Educational Assistance had to be completed and secured by the Agency Superintendent.¹⁰² On approval of the application by the Regional Office Committee, which consisted of the Regional Superintendent of School, Social Worker, Placement Officer, and Supervising Clerk, an authority for expenditure was to be requested from the Department or issued by the Regional Office. For the school year 1959-60, these students were covered by

¹⁰⁰ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], p. 3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

¹⁰¹ A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, pp. 1-2]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

¹⁰² A. G. Leslie, Regional Supervisor, Manitoba, to all Superintendents, June 6, 1961 [VAN-046854]. 128/25-8, Pt. 1, 01/01/1961-03/31/1963, Indian Education – Educational Assistance – Tuition Grants, Acc. 2001-01036-2, Box 1, F.A. 10-481, LAC-Winnipeg.

Department authorities under E.R. 67.¹⁰³ Financial assistance could be provided in one or several of the following categories: a monthly personal allowance of up to \$15.00; local daily transportation from the place of residence to the school; board and room, not to exceed \$65.00; clothing if necessary and special clothing if applicable; and tools if applicable.¹⁰⁴

Circular No. 34 in February 1960, reported that headquarters was maintaining a key-card system for every Indian student who received financial assistance for educational training above the elementary level. As long as the student was pursuing his studies at the same school, no new application was required; a new form was required only if the course or the school had been changed. If the amount of assistance needed to be revised, a supplementary Authority for Expenditure was to be issued, “using the same authority number with the letter “A” added as a suffix;” the letter “B” would be added in the case of an additional revision.¹⁰⁵ In order to insure that “deserving” students received the necessary funds, “parents and/or students who can afford to pay part of the cost must be persuaded to do so. ... Surely the student or the parents can provide funds for such incidental expenses in most cases.”¹⁰⁶ The circular also instructed to number the Authorities for Expenditures chronologically from April 1, 1960, prefixed by the Regional Office code number; additionally, to avoid duplicates, the year was to be added. The letter “E” would identify authorities issued by Branch Headquarters. Records were to be maintained according to instructions sent with circulars 112 and 117.¹⁰⁷

In March 1960, under Treasury Board Minute No. 547716, Education services were extended to non-Indians living on Indian reserves or in Indian communities.¹⁰⁸ Included

¹⁰³ While the exact meaning of an “E.R.” number has not yet been confirmed, in this context it appears to have indicated that high school students were funded through one allocation, while vocational and post-secondary students were funded through a different one.

¹⁰⁴ A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, pp. 1-2]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

¹⁰⁵ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

¹⁰⁶ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

¹⁰⁷ Circular 112 has not yet been located.

¹⁰⁸ As a legacy of pre-Confederation British policy, Indian Affairs may have distinguished between Indians living on Indian Reserves, i.e., on lands set aside for Bands by the Canadian government and managed under the *Indian Act*, and Indian communities not living on such Reserves but recognized as forming Indian Bands by other Indian people. See Ken Brown, *The Historical Development of the Indian Act*, 3rd Edition, Volume 2: 1951-2006, Ed. John F. Leslie (DIAND: Claims and Historical Research Centre, Special Claims, 2007) [BHR-003013].

in this new category were the Indian children of a woman who would have lost her Indian status through marriage or enfranchisement. Additionally, it included non-Indian children of women of Indian status “i.e., illegitimate children of non-Indian fathers or non-Indian children of a woman who becomes Indian by marriage.”¹⁰⁹ Provisions covered clothing, equipment, personal allowances to students who lived away from home for educational reasons, as well as costs of private board and lodging for educational purposes.¹¹⁰

A memorandum in June 1961 explained that the same application form was used for students attending provincial high schools and for students of elementary or high school level requiring placement in private homes. In order for the Branch to get authority for placement, it was pointed out that the parent’s signature was of the utmost importance, adding:

[a]s there is no special space for such signature, we would request that the responsible parent or guardian sign Section 1, Part C on this form. A parent’s signature on the form will indicate the parent’s wish to obtain Educational Assistance for their child and gives the Department the necessary authority to place the child in whatever lodging is regarded as satisfactory.¹¹¹

An Alberta Regional Supervisor wrote in November 1962 that Band funds could be used to assist the children financially. Provided consent had been obtained from the individual or from the parent, the Regional Supervisor stated that “in most cases” payments from the Band had been used as personal allowance and travel allowance, though he added that such contribution could be used towards paying for board, room, books, etc.¹¹² Further correspondence shows that the Blood Band provided a contribution for clothing, as described in Section 3.7.

In 1963, the Treasury Board consolidated several authorities relating to capital contribution agreements, which included the 1958 authority for the Educational

¹⁰⁹ Secretary to Laval Fortier, Deputy Minister of Citizenship and Immigration, March 17, 1960 [FBH-003077[04-06]]. RG 10 Accession 1995-96/144 Box 1 File 4700-10 Part 3 Library and Archives Canada.

¹¹⁰ Louis Gilbert. Areas of Jurisdiction – Education, May 14, 1987 [ISP-01147, p. 6]. INAC File NCR-E 4700-1 UNC Vol. 16.

¹¹¹ A. G. Leslie, Regional Supervisor, Manitoba, to all Superintendents, June 6, 1961 [VAN-046854]. 128/25-8, Pt. 1, 01/01/1961-03/31/1963, Indian Education – Educational Assistance – Tuition Grants, Acc. 2001-01036-2, Box 1, F.A. 10-481, LAC-Winnipeg.

¹¹² L. C. Hunter, Regional Supervisor, Alberta, to the Superintendent, Blood Indian Agency, November 26, 1962 [VAN-046753]. 103/25-8, Pt. 6, 10/15/1962-09/07/1965, Tuition Grants, Acc. 1994-95/653, Box 6, F.A. 10-463, LAC-Ottawa.

Assistance Program. Treasury Board decided to remove the authority for educational assistance from the Order in Council. It stated that providing assistance such as support, maintenance, and transportation assistance to Indians attending joint schools away from home was “more appropriately considered simply as a cost of ‘Education’ and thus covered by the Education Vote; accordingly, this assistance could be covered in a T.B. Minute or letter.”¹¹³ Therefore, the March 9, 1963, Order in Council, which consolidated the previous authorities for capital contribution costs and tuition fees, included the cancellation of several authorities, including the November 20, 1958, Order in Council, which had originally authorized the Educational Assistance Program. Additionally, it cancelled the following Orders in Council: P.C. 1961-3/1 of January 5, 1961; P.C. 1961-3/366 of March 16, 1961; and P.C. 1961-3/1334 of September 21, 1961.¹¹⁴

The Treasury Board authorized by letter T.B. No. 601776 dated March 1, 1963, the continuation of payments in respects of Indians in training for transportation, partial or total board and room, personal allowances, and clothing.¹¹⁵

By 1963, a new and revised Form IA 4-49 was in circulation, which had been renamed “Application for Educational Assistance.” A memorandum sent out in June 28, 1963, explained in detail how these forms were to be completed.¹¹⁶ Financial assistance was divided between two votes, 528 and 529, the second vote covering “costs in connection with the student,” including board and room, clothing, personal allowance, and transportation. Parental or student contribution was to be indicated, as well as any Band contribution, explaining precisely how the Band was contributing.

Circular No. 123, in March 1965, mentioned that program budgeting was soon to be introduced, meaning that the Regional Superintendents of Schools were going to be responsible for the preparation of the Education estimates for their regions. The implementation of this new policy was tentatively planned “at least in part next year,” adding:

¹¹³ Treasury Board List Précis TB 601776, February 14, 1963 [NPC-520957a]. LAC R776-0-5 (RG 55) Vol. 273 T.B. #601776.

¹¹⁴ Order in Council P.C. 1963-5/382, March 9, 1963 [NEL-001991]. 6-21-1, Vol. 3, [Ctrl #25-1], Indian Residential Schools Resolution Registry. Note that P.C. 1961-3/1 of January 5, 1961, is not discussed in this report and does not appear to relate to the Boarding Home Program.

¹¹⁵ C. J. Mackenzie, Assistant Secretary, Treasury Board Secretary, to H. M. Jones, Acting Deputy Minister of Citizenship and Immigration, Ottawa, March 1, 1963 [FBH-007435]. RG 10 Accession 1999-01431-6 Box 67 File 1/25-8 Part 10 Library and Archives Canada.

¹¹⁶ L. C. Hunter, Regional Supervisor, Alberta, to the Agency Superintendents, Alberta, A. MacKinnon, F. N. Dew, W. Walcer, J. E. Kerans, E. S. Hunter, and the Teacher/Counsellor, Blood Agency, June 28, 1963 [VAN-076156]. 103/25-8, Pt. 6, 10/15/1962-09/07/1965, Tuition Grants, Acc. 1994-95/653, Box 6, F.A. 10-463, LAC-Ottawa.

This will require careful planning on the part of each Regional Superintendent of Schools as it will be his responsibility to s-t [sic] up the Education organization, develop the administrative procedures and provide in his annual estimates for the necessary staff. ...

It should be noted that when preparing annual estimates for the Education programme, all phases of it, including capital programs, should be discussed with and reviewed by the Regional Supervisor to determine clearly that they fit harmoniously into the overall long term Indian Affairs plans for the region.¹¹⁷

By May 1966, decisions on the allocation of funds for the Educational Assistance Program had been decentralized to regional and district responsibility centres.¹¹⁸

Decisions on funding for private boarding homes were based on information collected through three forms: 1 – Preliminary Applications for Educational Assistance; 2 – Applications for Educational Assistance (Form IA 4-49, discussed above); and 3 – Student Progress Reports. The Director of Education Services commented:

While these procedures may appear unduly burdensome at first glance, it must be realized that the educational assistance program is involving rapidly increasing expenditures and that this requires complete records or evaluation and accountability for these expenditures is made impossible.¹¹⁹

In a September 1970 memorandum, a District Superintendent of Education described the five programs involving either the financial assistance or the placement of students falling under the general rubric of educational assistance:

¹¹⁷ R. F. Battle, Assistant Deputy Minister, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, and the Regional Superintendents of Schools, March 23, 1965 [NEL-001996]. Series 'B' Yellow, JL103.C3777 v. B2 c.2, AANDC.

¹¹⁸ R. F. Davey, Director, Education Services, to all Regional Superintendents of Schools, Regional Superintendents of Vocational Training and Special Services, District Superintendents of Schools and Supervising Principals, May 25, 1966 [NEL-002061[00-03]]. 1/25-8, Pt. 8, 00/00/1965-00/00/1966, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

¹¹⁹ R. F. Davey, Director, Education Services, to all Regional Superintendents of Schools, Regional Superintendents of Vocational Training and Special Services, District Superintendents of Schools and Supervising Principals, May 25, 1966 [NEL-002061[00-03]]. 1/25-8, Pt. 8, 00/00/1965-00/00/1966, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

- Program 1 – Education Allowance paid to students living at home and attending school off the reserve. ...
- Program 2 – **Home Placement Program** where students are placed in private homes with their board and room paid for them, clothing purchased by Purchase Orders and allowances paid to the student each month. Program includes placement of students in non-federal student residences. ...
- Program 3 – Student Residence Program – This program refers to federally-operated Student Residences and in some cases includes the payment of allowances to students and the issue of Purchase Orders for clothing. ...
- Program 4 – **Earned Income Program** – This program is similar to Program 2 but students have more involvement in the selection of their home and are issued with bi-monthly cheques to cover the cost of board and room, clothing and allowance. ...
- Program 5 – Post School Program includes costs relative to the attendance of students at university, community colleges and trade schools. [emphasis added]¹²⁰

The Earned Income Program is detailed in Section 3.6. This program received Treasury Board approval in 1968 and was specifically designed to cater to senior students. According to DIAND officials, the program’s goal was to advance the student’s personal development and instill self-respect. The key difference between the two programs – the Home Placement Program and the Earned Income Program – being that in the latter the student had more involvement in the selection of the boarding home.

The students were to complete a form if applying for assistance for any of the five programs listed above (a handwritten note states that Form IA 352 had been replaced by “new Man. form”). Besides, a regional education district could demand the completion of an additional form. For instance, the Western Manitoba Education District imposed the completion of ‘WMED Form No. 25’ for students leaving their isolated reserve for the first time, in order to attend junior or senior high school in an urban centre.¹²¹

¹²⁰ J. R. Wright, District Superintendent of Education, Dauphin, to Guidance Counsellors, Administrators, Principals, Adult Education Supervisors, and School Committee Chairmen, September 21, 1970 [NEL-001887[00-04], p. 1]. 501/25-8, Vol. 3, 09/01/1967-07/31/1974, Indian Education – Educational Assistance – General, Acc. W1986-87/083, Box 3, F.A. 10-131 LAC – Winnipeg.

¹²¹ J. R. Wright, District Superintendent of Education, Dauphin, to Guidance Counsellors, Administrators, Principals, Adult Education Supervisors, and School Committee Chairmen, September 21, 1970 [NEL-001887[00-04], p. 2]. 501/25-8, Vol. 3, 09/01/1967-07/31/1974, Indian Education – Educational Assistance – General, Acc. W1986-87/083, Box 3, F.A. 10-131 LAC – Winnipeg.

All eligible reasons for admitting students to Programs 2, 3, or 4 were placed under five categories:

- 1 – lack of school or appropriate grade level in the home community;
- 2 – absence of the parents on excess of three months during the school year;
- 3 – unsatisfactory home environment upon statement by a qualified official that no foster home could be located;
- 4 – placement necessary in order to receive proper medical care as recommended by a doctor or a nurse; and
- 5 – placement in an educational program not available in the home community.

Placement priority was given first to students falling under Category 1 and for “students who are age 15 or over or will be in Grade 8 or over and who plan to continue their education in the same community and who are making satisfactory progress in school.”¹²² Second priority was given to students in Category 2, third priority to students in Categories 4 and 5, and the fourth priority – the lowest – to students living in an unsatisfactory home environment along with “[s]tudents noted in First, Second and Third Choice above who are not making satisfactory progress in school, or who are requesting transfer from one community to another.”¹²³ The Circular even contained a table matching each one of the regional bands with locations recommended for placement, for instance suggesting as locations Guy Student Residence or The Pas private homes for the Barren Lands, Mathias Colomb, and Granville Lake Bands.

In July 1971, a memorandum reminded all the Guidance Counsellors of the Western Manitoba Education District, that no educational assistance payments were to be made without the completion and approval of an Application for Educational Assistance. It also added that, starting in 1971-72, all cheques for Programs 1-5 were to be made payable to a student. No cheques would be made payable to Guidance Counsellors.¹²⁴ This appears to suggest that students living in boarding homes were to

¹²² J. R. Wright, District Superintendent of Education, Dauphin, to Guidance Counsellors, Administrators, Principals, Adult Education Supervisors, and School Committee Chairmen, September 21, 1970 [NEL-001887[00-04], p. 4]. 501/25-8, Vol. 3, 09/01/1967-07/31/1974, Indian Education – Educational Assistance – General, Acc. W1986-87/083, Box 3, F.A. 10-131 LAC – Winnipeg.

¹²³ J. R. Wright, District Superintendent of Education, Dauphin, to Guidance Counsellors, Administrators, Principals, Adult Education Supervisors, and School Committee Chairmen, September 21, 1970 [NEL-001887[00-04], p. 4]. 501/25-8, Vol. 3, 09/01/1967-07/31/1974, Indian Education – Educational Assistance – General, Acc. W1986-87/083, Box 3, F.A. 10-131 LAC – Winnipeg.

¹²⁴ J. R. Wright, District Superintendent of Education, Dauphin, to Guidance Counsellors, July 1971 [VAN-045823]. 506/25-8, Pt. 1, 05/04/1971-12/08/1971, Indian Education – Educational Assistance – General, Perm. Vol. 13631, F.A. 10-158, LAC-Winnipeg.

be made responsible for all payments to boarding house operators, although it is not clear whether this instruction was implemented.

In August 1971, Educational Assistance was available for students in four categories, including Group B: 'Students who attend school from a Boarding Home.' Provision for students to travel home at Christmas had been approved by the Minister on July 5, 1971, and clothing for Group B was provided from Education funds.¹²⁵

Effective January 1, 1976, DIAND was to distribute up to \$100 per student per month for Boarding Allowances, which represented an increase of \$25 from the previous amount.¹²⁶ In 1977, monthly boarding home payments were increased from \$125 to \$130 in the Interlake Area.¹²⁷

In 1980, DIAND made a commitment to the Treasury Board that standards of service would be developed for its non-discretionary education programs.¹²⁸ Draft documents prepared by the British Columbia Regional Office suggested that DIAND set standards for both federal day schools and Band-operated schools for the following five categories: 1) Instruction; 2) Maintenance of Students; 3) Transportation; 4) Curriculum Development; and 5) Committee & Boards. Under heading of "Maintenance of Students," the draft stated that a Board Home Support rate was to be established locally to reflect the local rate for non-Indian students, and eligibility would be based upon the 1971 Education Assistance Policy, which would require updating.¹²⁹

Upon raising doubt that there was no proper authority allowing the provision of grants to individual Indian and Inuit students for allowances to pay for room and board,

¹²⁵ G. D. Cromb, Director, Education Branch, DIAND, to all Regional Directors, Indian and Eskimo Affairs, and to the Regional Superintendents of Education, the District Superintendents of Education and the Counsellors, August 10, 1971 [018253]. RG10, Box A-18, Accession V.85-86/476, File 989/25-8, Indian Education, Educational Assistance – General, NAC. Transportation to allow students to go home for holidays is discussed in Section 5.5 below.

¹²⁶ J. L. Canty, Superintendent, Administrative Services, Department of Education, Victoria, November 24, 1975 [VAN-020000]. 25-1 EAC, 01/01/1980-12/31/1980, Indian Education – Administration Circulars, Acc. 1994-95/472, Box 2, F.A. 10-136, LAC-Vancouver.

¹²⁷ R. Brown, Education Counsellor, Interlake Area, to the Boarding home parents of students on the educational assistance program in the Interlake Area, December 13, 1976 [VAN-046325]. 501/25-8, Pt. 12, 10/01/1976-08/31/1977, Educational Assistance, Acc. 2000-01170-5, Box 3, F.A. 10-572, LAC-Winnipeg.

¹²⁸ A. H. Friesen, Director, Education, British Columbia Region, to all District Managers, October 17, 1980 [VAN-082331[00-09]]. 975/25-1, 01/01/1979-12/31/1981, Indian Education – General, Acc. 2007-00592-1, Box 4, F.A. 10-138, LAC-Vancouver.

¹²⁹ DIAND, Federal School – Standards, circa October 1980 [VAN-082331[02-09], p. 2]. 975/25-1, 01/01/1979-12/31/1981, Indian Education – General, Acc. 2007-00592-1, Box 4, F.A. 10-138, LAC-Vancouver.

transportation and incidental school supplies, the 1982-83 funds dedicated to that purpose had been frozen by Treasury Board. A Treasury Board Submission was now issued, showing that sufficient authority did exist, stating that Treasury Board 763729 of April 4, 1979, had already approved the terms and conditions determining the eligibility of this class of recipients.¹³⁰ The submission was approved on March 17, 1983; grants were to be charged to Vote 15.¹³¹

By 1989, Student and Educational Support Services were largely administered by the Canadian Indigenous community: “[i]n 1987-88, approximately 90% of the program budget was controlled by Indian administrators.” Student Support Services represented 2.9% of the total DIAND Budget for 1987-88, that was \$89.8 million.¹³²

DIAND’s 1989 Indian Education Handbook reported that an Education Database Management System (EDMS) had been put in place which contained “financial and student enrolment information about education services, including program delivery, per student costs, and total costs for each service.”¹³³ The data’s source came from the Financial Resource information submitted by the regions to Headquarters. These regional submissions reported expenditures from the previous fiscal year, along with estimates for coming years. This information was used by Headquarters in order to produce reports showing the cost of various education services. A summary would then be used to form DIAND’s Multi-year Operation Plan submission to Treasury Board.

3. The Boarding Home Program

With the 1958 approval of the Educational Assistance Program, Indian Affairs had authority to pay for room and board for students attending schools while staying at boarding homes.

As far as the Province of Saskatchewan was concerned, the Regional Supervisor wanted to align the new program’s policy with that of provincial welfare services. Consequently, rates were to follow the Department of Social Welfare’s: \$1.10 a day per child under 13 years; \$1.25 a day per child 13 and up; and up to \$2.00 for special care. A clothing allowance would also be provided, and the family allowances of the child would be

¹³⁰ Treasury Board List Précis TB 784751, March 11, 1983 [ISP-03663]. LAC RG 55 VOL 21804 File TB # 784751.

¹³¹ Treasury Board Minute 784751, March 17, 1983 [ISP-03666]. LAC RG 55 VOL 21804 File TB # 784751.

¹³² Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 21].

¹³³ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 40].

made available to the foster parents, based on the understanding that the child would receive a monthly personal allowance.¹³⁴

A circular in November 1961 asserted that the boarding home owners across the country were receiving higher rates for accommodation for Indian children than foster home owners were receiving from governmental and private agencies. The circular also reported the lack of uniformity between rates paid for children placed for welfare reasons and children placed for educational purposes. Therefore, the Department was looking into equating these rates. Where foster homes were controlled by a Licensing Act, it sought advisability on the feasibility of having the boarding homes comply with such regulations.¹³⁵

The reduction in the number of students which an Indian residential school was allowed to accommodate may have put some extra pressure on regional Indian Affairs staff.¹³⁶ As a consequence of such a reduction, additional private homes in urban centres needed to be found, if possible, in order to accommodate students who normally could have stayed at the residential school while attending a provincial school.¹³⁷

While Indian Affairs preferred to place younger children in residential schools, by February 1967 there were approximately 4,000 students in boarding homes for educational purposes. DIAND expected that number to double within the next five

¹³⁴ N. J. McLeod, Regional Supervisor, Indian Agencies, Saskatchewan, to all Superintendents and Assistants, Indian Agency, and all Indian Missionaries, September 25, 1959 [VAN-030032]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

¹³⁵ H. M. Jones, Director, Indian Affairs Branch, to the Regional Supervisors, and the Indian Commissioner for B.C., November 20, 1961 [FBH-002266]. RG 10 Volume 8770 File 1/25-8 Part 6 Library and Archives Canada.

¹³⁶ In this particular case, Brandon Indian Residential School saw its authorized enrollment quota reduced for unknown reasons (possibly for safety and space issues). As a broader picture though, since the end of the Second World War, Indian Affairs was facing growing opposition from Indian communities and declining public support to the Indian residential schools system and was trying to move towards the termination of the system. This new vision led to the closing of many Indian residential schools in the 1950s, 1960s, and 1970s. See, for instance, J. R. Miller, *Shingwauk's Vision, A History of Native Residential Schools* (Toronto: University of Toronto Press, 1996) [BHR-003015]. One of the goals of the integrated schools policy was to provide an alternative; moreover, Indian Affairs officials recognized that placement in a boarding home was less expensive than a placement in a residential school. See "Excerpt from Regional Supervisors' Conference," January 1959 [NEL-000733[03-05]]. 128/25-1, Indian Education – General, 06/1958-11/1960, Locator 409-M-11 Resolution and Individual Affairs Sector, AANDC. The title and date of this document are taken from information in NEL-000733[00-05]].

¹³⁷ A. G. Leslie, Regional Supervisor Manitoba, to the Chief, Education Division, Indian Affairs Branch, Ottawa, May 23, 1961 [BRS-000618-0000]. File 501/25-1-065, Vol. 2 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

years.¹³⁸ In May 1967, the Director of Indian Affairs, Education Services, R. F. Davey, sent a memorandum to the Regional and District School Superintendents further clarifying the Educational Assistance Program. Davey stated that, according to projection, the cost of the Educational Assistance Program would triple within the next five years. In his memorandum, Davey described the Department's policy regarding student placement as follows:

- a) Boarding home placement should be reserved for only those students who are in secondary school or who are over 15 years of age and require boarding accommodation in order to obtain appropriate education.
- b) Boarding homes should be found as close to the student's home as practicable.
- c) Only those students whom you feel will adjust readily to the boarding home situation should be accepted for boarding home placement.
- d) Others should be placed in residential schools, hostels, or other similar accommodation.¹³⁹

DIAND compiled a summary of its education programs in September 1969. DIAND had earlier projected that the Boarding Home Program would continue to grow, and as in 1967 there were approximately 4,000 students residing in "carefully selected private homes" which according to the report offered a "better arrangement" than student residences.¹⁴⁰

Between 1969 and 1971, Indian Affairs undertook a review of its policy and guidelines relating to its Educational Assistance and Boarding Home Programs. In a 1969 draft proposal – referred to later as the Crompton Policy Paper – Indian Affairs noted that there were 70,000 registered Indian students across Canada. Approximately 12,000 students lived away from home while attending school: 8,500 in federal student residences, 700 in non-federal residences or group homes, and about 2,800 in private boarding homes in the centre where they attended school. The majority of the 2,800 students in private

¹³⁸ F. Barnes for R. F. Davey, Director, Education Services, to Regional School Superintendents, February 28, 1967 [254715]. Vol. 13471, File 901/25-17, pt. 1, Pupil Guidance, 02/1962-08/1967, FA 10-138 National Archives of Canada – Burnaby.

¹³⁹ R. F. Davey, Director, Education Services, to the Regional and District School Superintendents, May 8, 1967 [FBH-001202]. RG 10 Volume 10667 File 416/25-8 Part 4 Library and Archives Canada.

¹⁴⁰ DIAND to Bergevin, September 15, 1969 [FBH-004458[01-01], p. 6]. RG 10 Accession 2014-00827-2 Box 24 File 1/25-1 Part 35 Library and Archives Canada.

boarding homes were over 16, and 80 to 90% were high school students. All students in private boarding homes qualified for educational assistance allowances.¹⁴¹

In some regions, quotas were in place, limiting the number of admissions in private homes. For instance, a Head Counsellor in B.C., in July 1969, wrote that the lower mainland boarding program had reached its quota.¹⁴² In the case of the Western Manitoba Education District, as of September 1970, a total of 350 students could be placed in urban centres such as The Pas, Dauphin, or Brandon. First choice would be given first to students 15 or over or in Grade 8 or over who wished to continue studying in the same community, to students in their final year wishing to continue their education away from their home community, and to students who resided in an area where there was no school. Second choice was given to students whose parents were absent in excess of three months during a school year. Third choice was to students coming from unsatisfactory home environments, and final choice to students not identifiable under the above categories. In order to assist students and parents, the memorandum also provided a list which showed the preferred student residences or home placement programs – communities – based on the location of the student. It was suggested completing two applications “one for the program most desired and a second for a program that would be acceptable if space does not permit admission of the student to the program most desired by the student.”¹⁴³ In 1971, the Acting District Superintendent of Education of the Fraser District could not approve the application of an outside student as the district Boarding Home Program had reached its quota.¹⁴⁴

The Acting District Superintendent of Education of the Lethbridge District in Alberta wrote, in August 1974, that due to strict budgetary limitations, the Department would no longer enter into Boarding Contracts and that all previous agreements between

¹⁴¹ DIAND, *The Boarding Home Program and Educational Assistance – Policy and Guidelines – Draft proposal only* [VAN-045053[00-01], p. 3]. Ottawa: Guidance and Special Services Division – Education Branch, DIAND, 1969. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

¹⁴² B. W. Banner, Head Counsellor, Education Division, Vancouver, to D. W. Smith, District Superintendent of Indian Schools, North Coast District, Prince Rupert, B.C., July 4, 1969 [VAN-079135]. 911/25-8-21, Pt. 3, 01/01/1969-12/31/1970, Lower Mainland Boarding Program Survey, Acc. 1985-86/453, Box 1, F.A. 10-137, LAC-Vancouver.

¹⁴³ J. R. Wright, District Superintendent of Education, Dauphin, to School Committee Chairmen (or Chiefs), Administrators, Guidance Counsellors, and Principals, February 5, 1970 [NEL-001152, p. 3]. 511/25-2, Pt. 8, 01/04/1970-07/14/1972, Indian Education – Admission and Discharge of Pupils – General, Perm. Vol. 13671, F.A. 10-158 LAC – Winnipeg.

¹⁴⁴ B. W. Banner, Acting District Superintendent of Education, Fraser Indian District, to E. J. Littlewood, Superintendent, Whitehorse, Y.T., July 9, 1971 [VAN-051811]. 987/25-8, 05/01/1971-12/31/1972, Education Assistance – General – Fraser District, Acc. 1998-00317-5, Box 25, F.A. 10-333, LAC-Vancouver.

boarding home operators and the Department were declared null and void, adding that “[u]nder the new policy the student’s parents are responsible for the payment of their room and board. Boarding home parents will make their own arrangements with the student’s parents before accepting the student into the boarding home.”¹⁴⁵ It is unclear if this directive was in fact implemented, since boarding homes funding continued well beyond 1974.

In September 1978, budgetary restraints forced the Manitoulin Service Centre to decline to sponsor Grade 7 graduates for the Boarding Home Program. However, the Centre committed to “making arrangements” for these graduates to attend the Manitoulin Secondary School.¹⁴⁶ This decision consequently prompted the Wikwemikong Band Council to seek support from the Chiefs of the Ojibway Nation of Lake Huron which sent a petition denouncing DIAND’s decision.¹⁴⁷

Documentation on the negotiation to transfer education programming to the Prince Albert District Chiefs’ Council (Saskatchewan) in 1987 mentions that if the program is transferred the budget will be limited, resulting in student quotas.¹⁴⁸

3. Financial Contributions by Students and Parents

As early as 1894, the *Indian Act* regulations included a provision authorizing the Governor in Council to use the annuity and interest money of children to pay for the maintenance of the industrial or boarding school, or the maintenance of the children themselves.¹⁴⁹ This provision was carried forward into the *Indian Act* of 1906.¹⁵⁰ An amendment in 1920 transferred this authority to the Superintendent General, but it still

¹⁴⁵ Glen F. Johnson, Acting District Superintendent of Education, to “attached list of boarding homes,” August 1974 [VAN-030289[00-01]]. 773/25-8, Pt. 6, 08/01/1974-01/25/1977, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

¹⁴⁶ M. J. Best, Assistant District Superintendent of Education, Manitoulin Service Centre, to the Parent or Guardian, September 1, 1978 [FBH-007524[03-07]]. RG 10 Accession 1995-96/694 Box 62 File 411/25-8 Part 2 Library and Archives Canada.

¹⁴⁷ The Chiefs of the Ojibway Nation, “The Chiefs of the Ojibway Nation of Lake Huron,” circa September 1978 [FBH-007524[07-07], p. 1]. RG 10 Accession 1995-96/694 Box 62 File 411/25-8 Part 2 Library and Archives Canada.

¹⁴⁸ Update – Report to Prince Albert District Chiefs’ Council – Boarding Home Program – Transfer of Boarding Home Program from INAC to PADCC, circa March 31, 1987 [FBH-003105, p. 9]. RG 10 Accession 1998-00847-9 Box 11 File E-4700-1 Part 3 Library and Archives Canada.

¹⁴⁹ *Regulations Relating to the Education of Indian Children* (Ottawa: Government Printing Bureau, 1894) [BHR-003029, p. 10]. RG 10, Volume 6032, File 150-40A, Part 1, Reel C-8149, LAC – Ottawa.

¹⁵⁰ *An Act respecting Indians*, S.C. 1906, c. 81, Section 11(2) [BHR-003007, p. 102]. Sharon Helen Venne, *Indian Acts and Amendments, 1868-1975, An Indexed Collection* (DIAND: Claims and Historical Research Centre, 1981).

applied specifically to children enrolled in residential schools.¹⁵¹ An amendment in 1930 modified the provision only to allow the use of the annuity and interest money for the “maintenance of such children” and not anymore for the maintenance of the residential school.¹⁵² This provision was still included in the 1951 and 1970 *Indian Acts*, always restricted to children in residential schools. In other words, the authority to assign interest and annuity moneys to cover education costs was never extended to the boarding home program. Section 114(d) of the 1951 *Indian Act* reads:

114. The Minister may
...
(d) apply to whole or any part of moneys that would otherwise be payable to or on behalf of a child who is attending a residential school to the maintenance of that child at that school.¹⁵³

As seen previously, tuition grants had been in place since the late 1920s. In 1957, Superintendent of Education Davey wrote that tuition grants “should not” be used to cover lunches, personal expenses, transportation, etc. “except in the most urgent cases;” such expenses were to be paid by the parents or the students.¹⁵⁴

4. Transportation

Provisions for the transportation of Indian children were introduced in the amended 1920 *Indian Act*. But Section 9(3) limited such transportation “to and from the boarding or industrial schools.”¹⁵⁵ Section 114(b) of the updated 1951 *Indian Act* allowed the Minister to provide for the transportation of children without limiting such transportation to boarding or industrial schools:

114. The Minister may
...
(b) provide for the transportation of children to and from school.¹⁵⁶

¹⁵¹ *An Act to amend the Indian Act*, S.C. 1919-20, c. 50 (10-11 Geo. V) [BHR-003007, p. 92]. See Section 9(6).

¹⁵² *An Act to amend the Indian Act*, S.C. 1930, c. 25 (20-21 Geo. V) [BHR-003007, p. 133]. See Section 2.

¹⁵³ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 52]. See Section 114(d).

¹⁵⁴ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Department of Citizenship and Immigration, to the Indian Commissioner for B.C., Regional Supervisors of Indian Agencies, and Superintendents of Indian Agencies, April 1, 1957 [FBH-001981]. RG 10 Volume 11452 File 494/25-8 Part 1 Library and Archives Canada.

¹⁵⁵ *The Indian Act*, S.C. 1919-20, c. 50 (10-11 Geo. V) [BHR-003007, p. 92]. See Section 9(3).

¹⁵⁶ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 52]. See Section 114(b).

Section 122(b) of the Act defined “school” as including day schools, technical schools, high schools, and residential schools.¹⁵⁷

As seen in Section 3.1, tuition grants, in place since the late 1920s, were not to be used to cover transportation, except in urgent situations.¹⁵⁸ Indeed, records show that tuition grants had been used to pay for transportation. Davey himself, in November 1956, authorized such a grant which covered transportation and other expenses.¹⁵⁹

As previously noted, Indian Affairs obtained, in 1958, Treasury Board approval to provide funding to pay the cost of transportation for the student, from his place of residence to school and return. As regards to transportation, Order in Council P.C. 1958-8/1578 dated November 20, 1958, stated:

That partial or total transportation costs and board and room have often been necessary when the student had to leave his home to receive training, or if his home was some distance from the educational institution attended.¹⁶⁰

The Privy Council consequently recommended amending Section 113 of the *Indian Act*, in order that authority be granted to pay, on behalf of Indians in training, services including “the cost of transportation for the student from his place of residence to the school and return.”¹⁶¹ It does not appear that such an amendment was passed, however.

A memorandum from the B.C. Indian Commissioner, dated July 11, 1962, stated that the cost of transportation, if paid by the Department, was to be shown on the Application for Educational Assistance, adding that local transportation, such as from the boarding home to the vocational school, was included in the Authority. Though transportation

¹⁵⁷ *The Indian Act*, S.C. 1951, c. 29 (15 Geo. VI) [BHR-003011, p. 55]. See Section 122(b).

¹⁵⁸ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Department of Citizenship and Immigration, to the Indian Commissioner for B.C., Regional Supervisors of Indian Agencies, and Superintendents of Indian Agencies, April 1, 1957 [FBH-001981]. RG 10 Volume 11452 File 494/25-8 Part 1 Library and Archives Canada.

¹⁵⁹ R. F. Davey, Superintendent of Education, to V. M. Gran, Superintendent, Duck Lake Indian Agency, November 6, 1956 [FBH-017668]. RG 10 Volume 8779 File 674/25-8 Part 2 Library and Archives Canada.

¹⁶⁰ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], pp. 2-3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

¹⁶¹ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], pp. 2-3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

from the student's home to the school was not included in the Authority, the words "Local Transportation" had to be added in the required section of the application when applicable.¹⁶² The B.C. Indian Commissioner also reported that Indian Affairs had asked to separate the local transportation allowance from the personal allowance. By April 1963, the transportation allowance was charged against Vote 529 Allotment 42.¹⁶³

By January 1963, a High School Boarding Program had been established in order to supplement those residential schools used as hostels. The little booklet created, stated that transportation from home to the urban centre where the school was located was a "personal responsibility of the students taking part in the program and their families."¹⁶⁴ If unable to pay though, they were to make arrangements through their agency superintendents. It was written that pupils were usually met on arrival by the boarding parents.

The Treasury Board authorized, by letter T.B. No. 601776 dated March 1, 1963, the continuation of payments in respect of Indians in training for transportation.¹⁶⁵ In 1970, the Treasury Board proposed amending "the Program" in order "to enable School Committees to be eligible to receive Grants ..., for transportation of Indian pupils, ... with the provision that the Band Council has given approval by Resolution."¹⁶⁶ Such grants would be chargeable to Vote I – Grants and Contributions.

In 1971, the Department's education program as it related to transportation and maintenance of pupils was defined as follows: "[t]o provide living accommodation in boarding homes, transportation to and from school, and other education support services for Indian children who cannot attend school in their communities."¹⁶⁷ The program had the same policy/objectives at the regional level.

¹⁶² J. Jampolsky, Regional Superintendent of Indian Schools, to the District Superintendents of Indian Schools, and the Agency Superintendents, July 11, 1962 [VAN-020014]. 25-8C, 01/01/1961-12/31/1966, Educational assistance – Circulars, Acc. 1984-85/316, Box 51, F.A. 10-136, LAC-Vancouver.

¹⁶³ A. N. Wark, Superintendent, Carlton Agency, to Indian Affairs Branch, Ottawa, April 25, 1963 [FBH-002360]. RG 10 Volume 8776 File 672/25-8 Part 3 Library and Archives Canada.

¹⁶⁴ Canada, High School Boarding Program (Ottawa: Roger Duhamel, F.R.S.C, for Queen's Printer and Controller of Stationery, 1963) [VAN-020004, p. 3]. 25-8, 04/01/1963-04/30/1963, Tuition Grants – General, Acc. 1998-00317-5, Box 25, F.A. 10-333, LAC-Vancouver.

¹⁶⁵ C. J. Mackenzie, Assistant Secretary, Treasury Board Secretary, to H. M. Jones, Acting Deputy Minister of Citizenship and Immigration, Ottawa, March 1, 1963 [FBH-007435]. RG 10 Accession 1999-01431-6 Box 67 File 1/25-8 Part 10 Library and Archives Canada.

¹⁶⁶ DIAND to the Treasury Board, February 9, 1970 [ISP-02727]. LAC RG 10 Control No. 2009-0037 Box 27 File 1/25-18 Vol. 3.

¹⁶⁷ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Report, Education Program, Saskatchewan – Indian-Eskimo Program, Information Centre (Ottawa: Department of

Provision for students to travel home at Christmas was approved by the Minister on July 5, 1971.¹⁶⁸ However, a few months later, when DIAND released a “comprehensive inventory of programs and services available to Canada’s Indian people,”¹⁶⁹ it only mentioned that transportation allowances were available for a return trip once a year, adding that it “may include daily fares between the student's boarding home and school and transportation for school-sponsored extracurricular activities.”¹⁷⁰ It was noted that escorts could be arranged to transport large numbers of young students. As to the procedure, the report stated:

Indian parents request transportation, maintenance while away from home, and other allowances for their children either individually or as a group, through the Chief and Council. The District School Superintendent and Counsellors ensure that parents are aware of the various types of assistance available, and take the necessary administrative action to provide this assistance to children who require it, while counselling students to ensure that the maximum benefit is derived from the assistance granted.¹⁷¹

Program Circular E-1 on Education Policy was released in November 1978; it stated that either the Department or the Band Council could make transportation arrangements for students living away from home, for the beginning and end of the school year, as well for the Christmas break.¹⁷² The Circular further stated:

Indian Affairs and Northern Development, 1971) [FBH-000005, p. 77]. Found at: https://publications.gc.ca/collections/collection_2017/aanc-inac/R5-258-1971-eng.pdf.

¹⁶⁸ G. D. Cromb, Director, Education Branch, DIAND, to all Regional Directors, Indian and Eskimo Affairs, and to the Regional Superintendents of Education, the District Superintendents of Education and the Counsellors, August 10, 1971 [018253]. RG10, Box A-18, Accession V.85-86/476, File 989/25-8, Indian Education, Educational Assistance – General, NAC.

¹⁶⁹ Indigenous and Northern Affairs Canada, Program Information Center – Report on the Education Program (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000007, p. 2].

¹⁷⁰ Indigenous and Northern Affairs Canada, Program Information Center – Report on the Education Program (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000007, p. 44]. http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-287-1971-eng.pdf INAC-HQ.

¹⁷¹ Indigenous and Northern Affairs Canada, Program Information Center – Report on the Education Program (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000007, p. 45]. http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-287-1971-eng.pdf INAC-HQ.

¹⁷² R. D. Brown, Assistant Deputy Minister – Programs Indian and Inuit Affairs, November 1, 1978 [VAN-045006[01-01], p. 9]. 701/25-1, Pt. 32, 01/1979-03/1980, Education – General, Acc. 1997-98/161, Box 71, F.A. 10-437, LAC-Ottawa.

Such seasonal transportation will normally be provided by regularly scheduled road, rail and air services. Charter arrangements may be made where number of students, and geography so warrant.¹⁷³

In 1980, DIAND made a commitment to the Treasury Board that standards of service would be developed for its non-discretionary education programs;¹⁷⁴ a draft was prepared to that purpose. Regarding the transportation standard for boarding home students, defined as “Seasonal,” it noted that the standard had been defined in the [1971] Educational Assistance Policy, allowing a return trip between the student’s home and the school centre at the beginning and end of the school years and at Christmas. The draft further recommended allowing a return trip for the spring break.¹⁷⁵

5. Allowances

As seen in Section 3.3, except in rare occasions, personal expenses were not to be covered by tuition grants, as such expenses were to be paid by the parents or the students.¹⁷⁶ However, records show that advances were sought to cover “incidentals and spending money” for a high school student, in August 1956, because her mother, being a widow, could provide with “very little or nothing” towards her education.¹⁷⁷ Monthly personal allowances were consequently fully sanctioned when Educational Assistance was authorized by Order in Council P.C. 1958-8/1578 dated November 20, 1958. As regards to allowances, it stated:

That it has recently been found essential, on occasion, when the student is an orphan or his family is poor, to provide a monthly

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- ¹⁷³ R. D. Brown, Assistant Deputy Minister – Programs Indian and Inuit Affairs, November 1, 1978 [VAN-045006[01-01], p. 9]. 701/25-1, Pt. 32, 01/1979-03/1980, Education – General, Acc. 1997-98/161, Box 71, F.A. 10-437, LAC-Ottawa.
- ¹⁷⁴ A. H. Friesen, Director, Education, British Columbia Region, to all District Managers, October 17, 1980 [VAN-082331[00-09]]. 975/25-1, 01/01/1979-12/31/1981, Indian Education – General, Acc. 2007-00592-1, Box 4, F.A. 10-138, LAC-Vancouver.
- ¹⁷⁵ DIAND, Federal School – Standards, circa October 1980 [VAN-082331[02-09], p. 4]. 975/25-1, 01/01/1979-12/31/1981, Indian Education – General, Acc. 2007-00592-1, Box 4, F.A. 10-138, LAC-Vancouver.
- ¹⁷⁶ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Department of Citizenship and Immigration, to the Indian Commissioner for B.C., Regional Supervisors of Indian Agencies, and Superintendents of Indian Agencies, April 1, 1957 [FBH-001981]. RG 10 Volume 11452 File 494/25-8 Part 1 Library and Archives Canada.
- ¹⁷⁷ A. N. Wark, Superintendent, Duck Lake Indian Agency, to E. S. Jones, Regional Supervisor of Indian Agencies, Regina, August 13, 1956 [FBH-017672]. RG 10 Volume 8779 File 674/25-8 Part 2 Library and Archives Canada.

personal allowance to cover such miscellaneous expenses as carfare, laundry and other incidentals.¹⁷⁸

The Privy Council consequently recommended amending Section 113 of the *Indian Act*, in order that authority be granted to pay, on behalf of Indians in training, services including “the cost of providing the student with a monthly personal allowance to cover carfare, laundry and other incidental expenditures in connection with his educational training.”¹⁷⁹ As with transportation funding, it does not seem that this amendment was made.

As discussed above, in September 1958, the Saskatchewan Supervisor of Indian Agencies introduced the Indian Affairs’ new placement program in private homes. A monthly personal allowance was to be provided to the child out of its family allowances, which would be placed at the disposal of the foster parents. Children from 6 to 10 were to receive \$2.00 per month, \$3.00 for children 11 to 12, \$4.00 for children 13 to 14, and \$5.00 for children 15 to 16. It was noted that these rates could be increased in December, “for Christmas spending.”¹⁸⁰

The Treasury Board authorized, by letter T.B. No. 601776 dated March 1, 1963, the continuation of payments in respects of Indians in training for personal allowances and clothing.¹⁸¹

According to R. F. Davey, Director of Education Services, as of April 1968, “Personal Allowances vary greatly (\$7.50 to \$20 per month) from Region to Region; from locality to locality and sometimes from grade to grade.”¹⁸² Davey suggested setting an upper limit of \$17.50 but thought that the Regions should be responsible for setting a lower limit, according to their own local situation. As of July 25, 1969, students residing in boarding homes received an allowance of \$10 per month “for miscellaneous and

¹⁷⁸ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], p. 3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

¹⁷⁹ Order in Council P.C. 1958-8/1578, November 20, 1958 [VAN-045053[01-01], p. 3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

¹⁸⁰ N. J. McLeod, Regional Supervisor, Indian Agencies, Saskatchewan, to all Superintendents and Assistants, Indian Agency, and all Indian Missionaries, September 25, 1959 [VAN-030032]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

¹⁸¹ C. J. Mackenzie, Assistant Secretary, Treasury Board Secretary, to H. M. Jones, Acting Deputy Minister of Citizenship and Immigration, Ottawa, March 1, 1963 [FBH-007435]. RG 10 Accession 1999-01431-6 Box 67 File 1/25-8 Part 10 Library and Archives Canada.

¹⁸² R. F. Davey, Director, Education Services, April 16, 1968 [NEL-001971]. 1/25-8, Vol. 10, 00/00/1967-00/00/1968, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

hygienic supplies.”¹⁸³ Davey further wrote that they usually spent their allowance in order to participate in community affairs and social activities. He proposed adding an ‘Education Allowance’ under the provisions of the Educational Assistance Program to help parents who were not able to provide an allowance. An application was to be completed by the parents on behalf of their children. The allowance would be made available for certain categories of students, including those living away from home:

(1) The current miscellaneous allowance (personal allowance) of \$10.00 per month to all students in private boarding homes be continued and to be referred to as an ‘Education Allowance.’¹⁸⁴

Through this allowance, Davey also proposed to help financially students in Indian Student Residences, and students in Grades 9 and above, 14 years old or older, and attending school from their home communities.

Thus, the allowance program was broadened “considerably” during the 1969-70 fiscal year.¹⁸⁵ Authorization was given for payment of Education Allowances to cover miscellaneous and personal supplies, in order to allow students to participate in social activities. These allowances were to be issued when the parents were unable to cover all the costs or only able to partially cover the costs of such activities. For students residing in private homes, a minimum of \$10 per month could be provided. The process had to be initiated upon a request from the parents and after completion of an Application for Educational Assistance. However, as there was no money for that purpose in the 1969-70 budget, assistance would be granted only for exceptional cases. Starting in September 1970, the rates would be increased.¹⁸⁶

In October 1970, administrators of student residences were encouraged to involve the students placed in private homes in their recreation programs:

¹⁸³ R. F. Davey, Director, Education Branch, to all Regional Directors for the Regional Superintendents of Schools, July 25, 1969 [NCA-002118]. RG10, Box 67, Acc. 1999-01431-6, File 1/25-8, pt. 12 Library and Archives Canada.

¹⁸⁴ R. F. Davey, Director, Education Branch, to all Regional Directors for the Regional Superintendents of Schools, July 25, 1969 [NCA-002118]. RG10, Box 67, Acc. 1999-01431-6, File 1/25-8, pt. 12 Library and Archives Canada.

¹⁸⁵ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Report, Education Program, Saskatchewan – Indian-Eskimo Program, Information Centre (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000005, p. 82]. http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-258-1971-eng.pdf INAC-HQ.

¹⁸⁶ J. R. Wright, District Superintendent of Education, Dauphin, to Principals, School Committee Chairmen, Guidance Counsellors, and Administrators, November 25, 1969 [NEL-001802]. 506/25-8, Vol. 1, 01/02/1970-01/14/1970, Indian Education – Educational Assistance – General, Perm. Vol. 13638, F.A. 10-158 LAC – Winnipeg.

Additional supplies of such equipment [recreational equipment] have been made available to Student Residences and Student Residence Administrators may include the number of students living in private homes in their area in their calculation of available funds for extra-curricular activities. In other words, the recreation program developed at a Student Residence should wherever possible be a program for all the students of the area who desire and require it.¹⁸⁷

Some districts then, such as the Western Manitoba Education District, introduced the position of Recreation Director to manage these programs.¹⁸⁸ These newly appointed directors became responsible for the development of a recreational program for both students living in student residences and students placed in private homes.

In order to obtain funding for a personal allowance, an Application for Educational Assistance was to be completed and approved. Allowances were paid according to different scales, falling into three different programs. Program 1 was intended for students living at home and attending schools away from their community, and Program 3 for students residing in student residences. Students placed in boarding homes fell under Program 2. Rates varied in terms of grades: \$5.00 per month for Grades 1-4; \$7.50 for Grades 5-6; \$10.00 for Grades 7-8; \$15.00 for Grades 9-10; and \$20.00 for Grades 11-12. A memorandum noted that \$1 would be deducted, per day of absence, if the student was unable to provide with a satisfactory explanation, and also added that the students on the Earned Income Program (see below in Section 3.6) did not qualify for this allowance.¹⁸⁹

In 1980, DIAND made a commitment to the Treasury Board that standards of service would be developed for its non-discretionary education programs.¹⁹⁰ A draft was

¹⁸⁷ J. R. Wright, District Superintendent of Education, Dauphin, to the Administrators, October 16, 1970 [VAN-046359]. 577/25-17, Pt. 1, 04/01/1969-01/31/1971, Indian Education – Pupil Guidance, Acc. 2000-01600-6, Box 22, F.A. 10-573, LAC-Winnipeg.

¹⁸⁸ J. R. Wright, District Superintendent of Education, Western Manitoba Education District, to the Administrators, August 3, 1971 [VAN-046201]. 511/25-17, Pt. 1, 04/02/1971-07/14/1972, Indian Education – Pupil Guidance, Perm. Vol. 13676, F.A. 10-158, LAC-Winnipeg.

¹⁸⁹ J. R. Wright, District Superintendent of Education, Dauphin, to High School Students, School Committee Chairmen, Guidance Counsellors, and Administrators, August 1970 [VAN-046234]. 576/25-8, Pt. 1, 04/17/1970-03/19/1973, Indian Education – Educational Assistance – General, Perm. Vol. 13713, F.A. 10-158, LAC-Winnipeg.

¹⁹⁰ A. H. Friesen, Director, Education, British Columbia Region, to all District Managers, October 17, 1980 [VAN-082331[00-09]]. 975/25-1, 01/01/1979-12/31/1981, Indian Education – General, Acc. 2007-00592-1, Box 4, F.A. 10-138, LAC-Vancouver.

prepared for that purpose, noting that the standard for student allowances had been set by the 1971 Education Assistance Policy, and would require updating.¹⁹¹

6. Earned Income Program (EIP)

In order to create a sense of responsibility among “senior” students, and move away from a purely donor-client relationship, the Director of Education Services suggested, in September 1968, launching a new program which would directly give the student a certain sum of money to allow him to procure room and board, clothing, personal allowances, and incidental expenses. Authority for a new Earned Income Program was granted in Treasury Board Minute No. 618950.¹⁹² The guidelines for the new program suggested the sum of \$5.50 per legal school day for students in Grade 10 and below, \$5.75 for students in Grade 11, and \$6.00 for students in Grade 12. Every two weeks, upon presentation of a Statement of Attendance to his counsellor, showing his actual attendance for the last two weeks, the student would get his bi-weekly cheque which he would use to pay his expenses. Any financial obligation not fulfilled would lead to the termination of the program, and the student would be placed back on the controlled program.

In the original TB Minute, the benefits of the EIP were listed as follows: adult accountability, extra funds for clothing, more liberal allowance, cash to pay for additional expenses such as for lockers and other activities, opportunity to save for travel home and special events, and eventually pride in being considered as an adult.¹⁹³ DIAND officials recognized, however, that the key difference between the Earned Income Program and the regular Home Placement Program was that students in the EIP had more involvement in the selection of their home.¹⁹⁴ Under the Earned Income Program, students were entitled to find their own boarding home, providing that they

¹⁹¹ DIAND, Federal School – Standards, circa October 1980 [VAN-082331[02-09], p. 2]. 975/25-1, 01/01/1979-12/31/1981, Indian Education – General, Acc. 2007-00592-1, Box 4, F.A. 10-138, LAC-Vancouver.

¹⁹² R. F. Davey, Director of Education Services, to all Regional School Superintendents, September 11, 1968 [VAN-020273[00-03]]. 901/25-8, [Folder 3], 08/01/1968-05/31/1969, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver.

¹⁹³ DIAND, Guidelines, circa September 1968 [VAN-020273[01-03]]. 901/25-8, [Folder 3], 08/01/1968-05/31/1969, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver.

¹⁹⁴ See, for example, J. R. Wright, District Superintendent of Education, Dauphin, to Guidance Counsellors, Administrators, Principals, Adult Education Supervisors, and School Committee Chairmen, September 21, 1970 [NEL-001887[00-04], p. 1]. 501/25-8, Vol. 3, 09/01/1967-07/31/1974, Indian Education – Educational Assistance – General, Acc. W1986-87/083, Box 3, F.A. 10-131 LAC – Winnipeg.

gave two weeks' notice to his previous home, and two weeks' notice to their Guidance Counsellor, allowing the counsellor time to visit the new home.¹⁹⁵

DIAND used the terms “junior” and “senior” students in correspondence and instructions, but it appears that the definitions may have changed through time. The division seems to have been approximately that students who were both below age 16 (sometimes age 17) and below Grade 9 (sometimes Grade 10) were considered to be junior students; conversely, senior students were both over the age of 15 (or 16) and above Grade 8 (or 9).

A summary of the program in Treasury Board Minute 784751 also described the benefits of the EIP to DIAND:

For many years, the Department has been providing room and board, allowances and transportation to eligible Indian and Inuit students attending provincial or private schools. For the past several years, **for administrative expediency but more particularly, in the interest of the students' self-respect, and personal development, as well as the public image**, the funds for payment of these services have been provided to the individual students. [emphasis added]¹⁹⁶

The student could be transferred back to the regular Home Placement Program under certain conditions: if the student missed any payment for board and room, if the monthly record of attendance was not regularly presented, or in the case of mismanagement of the funds. Rates varied in terms of placement communities and grades. To qualify, the student had to be in Grade 10 or higher and at least 17 years old.¹⁹⁷ It seems that the qualification threshold for the program was eventually raised

¹⁹⁵ J. R. Wright, District Superintendent of Education, Dauphin, to Students (Earned Income Program), Parents, Houseparents, Guidance Counsellors, Principals, School Committee Chairmen, Administrators, Superintendent-in-Charge, and Superintendent of Schools, August 1970 [VAN-046232]. 576/25-8, Pt. 1, 04/17/1970-03/19/1973, Indian Education – Educational Assistance – General, Perm. Vol. 13713, F.A. 10-158, LAC-Winnipeg.

¹⁹⁶ Treasury Board Minute 784751, March 17, 1983 [ISP-03666]. LAC RG 55 Vol. 21804 File TB # 784751.

¹⁹⁷ J. R. Wright, District Superintendent of Education, Dauphin, to Students (Earned Income Program), Parents, Houseparents, Guidance Counsellors, Principals, School Committee Chairmen, Administrators, Superintendent-in-Charge, and Superintendent of Schools, August 1970 [VAN-046232]. 576/25-8, Pt. 1, 04/17/1970-03/19/1973, Indian Education – Educational Assistance – General, Perm. Vol. 13713, F.A. 10-158, LAC-Winnipeg.

from Grade 9 to Grade 10. The EIP also came to be known as the “Honour” scheme or program.¹⁹⁸

Upon review of its activities, the Department had redefined these allowances as ‘Grants’ because these were provided directly to individuals. This explains why the Department sought to secure specific authority from the Treasury Board, which it acquired on March 17, 1983.¹⁹⁹

7. Clothing Allowance

Funding to individual students living in boarding homes could also include a limited amount of money for clothing. For instance, a memorandum in August 1956 shows that authorization was sought to renew the tuition grant of a high school student to help cover various expenses, including clothing.²⁰⁰ A memorandum dated April 1, 1957, also stated that the Department Welfare Division would assume responsibility for the purchase of clothing for students with approved tuition grants.²⁰¹

At least in Saskatchewan, a clothing allowance was suggested in September 1959. A memorandum sent out by the Saskatchewan Regional Supervisor of the Indian Agencies to its field staff stated that specific amounts had been approved for clothing: \$100 a year for students aged 5 to 7, \$110 for those 8 to 10, \$150 for those 11 to 14, and \$200 for students 15 to 21 years old.²⁰²

In order to specifically include assistance for clothing, Order in Council P.C. 1958-8/1578 was amended in September 1961 by Order in Council P.C. 1961-3/1334. The Treasury Board and the Governor in Council approved expanding the Educational Assistance Program to include such assistance, effective April 1, 1962: “(e) the cost of required

¹⁹⁸ Indigenous and Northern Affairs Canada, Program Information Center – Report on the Education Program (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000007, p. 46]. http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-287-1971-eng.pdf INAC-HQ.

¹⁹⁹ Treasury Board Minute 784751, March 17, 1983 [ISP-03666]. LAC RG 55 Vol. 21804 File TB # 784751.

²⁰⁰ A. N. Wark, Superintendent, Duck Lake Indian Agency, to E. S. Jones, Regional Supervisor of Indian Agencies, Regina, August 13, 1956 [FBH-017672]. RG 10 Volume 8779 File 674/25-8 Part 2 Library and Archives Canada.

²⁰¹ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Department of Citizenship and Immigration, to the Indian Commissioner for B.C., Regional Supervisors of Indian Agencies, and Superintendents of Indian Agencies, April 1, 1957 [FBH-001981]. RG 10 Volume 11452 File 494/25-8 Part 1 Library and Archives Canada.

²⁰² N. J. McLeod, Regional Supervisor, Indian Agencies, Saskatchewan, to all Superintendents and Assistants, Indian Agency, and all Indian Missionaries, September 25, 1959 [VAN-030032]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

clothing as determined by the Department in light of the financial circumstances of the Indian and the type of institution being attended.”²⁰³

As early as 1962-63, in Ontario, male students placed in boarding homes and enrolled in high schools in Sault Ste. Marie were receiving an additional \$5.00 per month to cover “the extra washing, ironing and mending involved in the case of boys’ clothing.”²⁰⁴ As for the female students, it was expected that they did their own mending and ironing.²⁰⁵

The Treasury Board authorized, by letter T.B. No. 601776 dated March 1, 1963, the continuation of payments in respects of Indians in training for partial or total board and room, personal allowances, and clothing.²⁰⁶

A memorandum written by the Superintendent of the Stony/Sarcee Indian Agency, in September 1963, shows that the Blood Band was providing, in certain cases at least, a \$50 contribution from their Band funds to help some of their students pay for clothing.²⁰⁷

As of 1970, students enrolled in the Home Placement Program were entitled to purchase clothing upon the receipt of a purchase order issued by the Guidance Counsellor. The purchase order indicated the amount at the student’s disposal, but he was free to choose his own store. Students aged 6 to 12 could receive \$100 covering the period September-March and \$25 for the end of the school year; students aged 13 to 17 could receive \$120 and additionally \$50.²⁰⁸

²⁰³ Order in Council P.C. 1961-3/1334, Treasury Board Minute 584069, September 21, 1961 [NPC-523057]. DIAND Ontario Region, Harold Gideon Collection, T.B. #584069, Sep-21-1961.

²⁰⁴ DIAND, Handbook for Boarding Home Parents, Sault Ste. Marie, Ontario, School Year 1962-1963, circa 1962 [SWK-001985, p. 6]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto.

²⁰⁵ DIAND, Handbook for Boarding Home Parents, Sault Ste. Marie, Ontario, School Year 1962-1963, circa 1962 [SWK-001985, p. 6]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto.

²⁰⁶ C. J. Mackenzie, Assistant Secretary, Treasury Board, to H. M. Jones, Acting Deputy Minister of Citizenship and Immigration, March 1, 1963 [FBH-007435]. RG 10 Accession 1999-01431-6 Box 67 File 1/25-8 Part 10 Library and Archives Canada.

²⁰⁷ I. F. Kirkby, Superintendent, Stony/Sarcee Indian Agency, to J. R. Tully, Superintendent, Blood Indian Agency, Cardston, Alberta, September 17, 1963 [VAN-046750]. 103/25-8, Pt. 6, 10/15/1962-09/07/1965, Tuition Grants, Acc. 1994-95/653, Box 6, F.A. 10-463, LAC-Ottawa.

²⁰⁸ J. R. Wright, District Superintendent of Education, Dauphin, to the Guidance Counsellors and the Administrators, September 2, 1970 [VAN-046353]. 577/25-8, Pt. 1, 01/01/1966-01/31/1972, Indian Education – Educational Assistance – General (General Policy and General Correspondence), Acc. 2000-01600-6, Box 21, F.A. 10-573, LAC-Winnipeg.

8. Noon Lunches

A memorandum in April 1957 specifically stated that tuition grants could not be used to purchase noon lunches.²⁰⁹ On March 1, 1963, Treasury Board sent Indian Affairs a letter in which certain points were set down “for the record.” The document stated that although it had not been covered in the Order in Council (which would be passed on March 9, 1963), Treasury Board approved the continuation of payments in respect of Indians in training, for various items, including:

- c) as determined by the Department in light of the financial circumstances of the Indian and his family, either of
 - (i) partial or total board and room, or
 - (ii) a meal allowance approximately equal to the prevailing cost of board in the locality in which the student is obtaining his education, but not to exceed \$12.50 per week and partial or total room.²¹⁰

In Alberta, by 1968, all students in either federal day schools or provincial schools received a full lunch with the cost covered by the Department. In other parts of Canada, the program was less consistently available.²¹¹ The Director of Education observed that this “lack of consistency and soundness” indicated a need for a revision to the existing policy.²¹² A coordination at the federal level was necessary because of the “rapidly-escalating costs.” If in Alberta, the policy was more consistent:

On other reserves which are relatively poor, band councils contribute a third or more of the cost of lunches. Some reserves have not requested nor do their students receive noon lunches. There are other arrangements which do not follow any particular pattern.²¹³

²⁰⁹ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Department of Citizenship and Immigration, to the Indian Commissioner for B.C., Regional Supervisors of Indian Agencies, and Superintendents of Indian Agencies, April 1, 1957 [FBH-001981]. RG 10 Volume 11452 File 494/25-8 Part 1 Library and Archives Canada.

²¹⁰ C. J. Mackenzie, Assistant Secretary, Treasury Board Secretary, to H. M. Jones, Acting Deputy Minister of Citizenship and Immigration, Ottawa, March 1, 1963 [FBH-007435]. RG 10 Accession 1999-01431-6 Box 67 File 1/25-8 Part 10 Library and Archives Canada.

²¹¹ Regional Directors’ Conference, May 22 to 24, 1968 [Doc. No. 254771]. LAC RG 10 Vol. 13351 File 901/1-2-2-32 Pt. 1, Folder 1 of 2. See p. 13 (p. 7 in original).

²¹² Appendix C: Noon-Day Lunches – Draft for Discussion Purposes, May 1968 ca., n.d. [Doc. No. 254771c]. LAC RG 10 Vol. 13351 File 901/1-2-2-32 Pt. 1, Folder 1 of 2.

²¹³ Appendix C: Noon-Day Lunches – Draft for Discussion Purposes, May 1968 ca., n.d. [Doc. No. 254771c]. LAC RG 10 Vol. 13351 File 901/1-2-2-32 Pt. 1, Folder 1 of 2.

The Director of Education estimated that the involvement of the Indian people was essential and proposed a new policy on school lunches under which the Department would pay half the cost of a noon lunch program requested and administered by band councils, for students in both day schools and provincial schools. Band councils should identify who required school lunches and the Band should be responsible for paying the other half of the cost.

9. Contemporary Funding for Home Placements

The 1989 Handbook reported a budget of \$130.8 million earmarked “Student support services,” that is 4.3% of the total budget dedicated to Education (\$620 million).²¹⁴ Student support services were available to students who had to leave home to attend school, providing them with accommodation, seasonal transportation to and from the reserve, living allowances, and counselling.²¹⁵

²¹⁴ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 29].

²¹⁵ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 21].

4. Policy Development

The *Indian Act* provided legislative authority to the federal government to establish educational programs for Indian children. A lot of the regulatory authority has been exercised by Orders in Council, but overall, regulations have been shaped by the *Constitution Act*, the *Indian Act* and its subsequent amendments, manuals, including the Indian Affairs Branch Field Manual, and series of circulars starting in the late 1950s after the introduction of the Education Assistance Program in 1958.

Policy decisions were conveyed to field staff through memoranda and circulars. While the two terms can be used interchangeably in some periods, during some periods Indian Affairs created numbered and colour-coded series of circulars that were intended to be key guiding documents for field staff. Memoranda, while they could cover the same topics, could be specific to a single region or even a single case, while circulars were, as the name suggests, intended to have broad application. It is worth noting, however, that some regions created their own circulars, while some memoranda were intended for circulation to field staff across the country.

In the case of the Federal Boarding Home Program, provincial and territorial regulations may have played a determining role, in the sense that the federal government decided to align its own regulations governing the placement of Indian children in boarding homes with those established by the provinces and territories to place their non-Indian children in foster homes through their welfare services.²¹⁶

1. The Branch's Education Policy, 1954–1973

A memorandum was sent in April 1954 by the Superintendent of Education, R. F. Davey, discussing the procedures to obtain or renew tuition grants. Tuition grants were issued with the following provisions:

A tuition grant is a sum payable on the basis of individual merit and need for the education of an Indian pupil attending a non-Indian school. The Department expects the student and parents to make the maximum contribution their circumstances will permit. In the case of high school students grants will be continued only when students successfully complete each year's studies. [emphasis in original]²¹⁷

²¹⁶ For more on the subject, see ISP-01147, pp. 2-4.

²¹⁷ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Ottawa, to the Indian Commissioner for B.C., all Regional Supervisors, the Indian Superintendents, Agents and Regional Inspectors of

All applications were to be submitted before August 1st of each year. Davey reported complaints received by the Department about delays relating to “payment of board and lodging for pupils enrolled in non-Indian schools and living in private homes.” [emphasis in original]²¹⁸ To avoid these delays, Superintendents were asked to request an accountable advance for each student; however, board and lodging were to be paid only after the services had been rendered, not before. Accounts for payment were to be accompanied by vouchers showing the name of the pupil. In a later memorandum, Davey reported that authority for grants were covered by a numbered Letter of Authority, otherwise “the file number and date of telegram or correspondence authorizing the expenditure will be entered.”²¹⁹

The rapid growth of the Indian school population, along with the lack of accommodation available in Indian residential schools, encouraged Indian Affairs to come up with a new approach. One of the first regions to put this policy into practice was Saskatchewan. As the Regional Supervisor in Saskatchewan explained the Educational Assistance Program and funding approved in 1958: “Headquarters has now approved a plan, submitted by this office, whereby Indian children may be placed in educational homes for educational purposes on a ten month basis.”²²⁰

Interestingly, the Saskatchewan Office drew a direct parallel between the new Boarding Home Program and an existing foster placement system. Introducing the Boarding Home Program, the Regional Supervisor noted that a similar plan was already in operation in Saskatchewan, run by the Department of Social Welfare, whose regulations and inspection would now apply to Indian Affairs’ program. The problem of distinguishing foster care from educational placements is discussed further in Section 5.3.4 below.

Indian Schools, April 13, 1954 [FBH-001579]. RG 10 Volume 8955 File 55/25-8 Part 1 Library and Archives Canada.

²¹⁸ R. F. Davey, Superintendent of Education, Indian Affairs Branch, Ottawa, to the Indian Commissioner for B.C., all Regional Supervisors, the Indian Superintendents, Agents and Regional Inspectors of Indian Schools, April 13, 1954 [FBH-001579]. RG 10 Volume 8955 File 55/25-8 Part 1 Library and Archives Canada.

²¹⁹ R. F. Davey, Superintendent of Education, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors of Indian Agencies, and the Superintendents, Indian Agency, December 28, 1955 [FBH-011437]. RG 10 Volume 9042 File 26/25-8-2 Part 1 Library and Archives Canada.

²²⁰ N. J. McLeod, Regional Supervisor, Indian Agencies, Saskatchewan, to all Superintendents and Assistants, Indian Agency, and all Indian Missionaries, September 25, 1959 [VAN-030032]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

The Saskatchewan Office intended to maintain strict control over the selection of the students and the rates paid:

We do not wish our placement programme to be considered as a money-making venture by prospective foster parents, but rather as a Christian undertaking where love of children and concern for their welfare are prevailing factors.²²¹

Children were to be selected through consultation with the Agency Superintendent, adding that “unauthorized placement by missionaries, or other welfare personnel, will not be recognized, and payments will be withheld.”²²² The Province of Saskatchewan demanded that a foster home accommodating more than two children be licensed, which stipulation the Department wanted to adhere to. Students considered for placement were divided up into four categories:

- (a) those for whom attendance at a day school is impractical (no facilities, distance) when no residential school accommodation is available;
- (b) orphans, children from broken or migrant homes, when residential school facilities are not available;
- (c) those children normally considered to be residential school cases, for whom no residential school of their own denomination is available;
- (d) special cases with language handicaps, the mentally deficient, etc., who need special therapy or other treatment.²²³

Agency Superintendents had to adopt a specific procedure. First, Form IA3-114 was to be completed and vouchers issued under the appropriate vote for board

²²¹ N. J. McLeod, Regional Supervisor, Indian Agencies, Saskatchewan, to all Superintendents and Assistants, Indian Agency, and all Indian Missionaries, September 25, 1959 [VAN-030032]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

²²² N. J. McLeod, Regional Supervisor, Indian Agencies, Saskatchewan, to all Superintendents and Assistants, Indian Agency, and all Indian Missionaries, September 25, 1959 [VAN-030032]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

²²³ N. J. McLeod, Regional Supervisor, Indian Agencies, Saskatchewan, to all Superintendents and Assistants, Indian Agency, and all Indian Missionaries, September 25, 1959 [VAN-030032]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

and room. Form IA3-100 was then needed to determine the proper clothing allowance. Next, the educational portion of the placement was to be covered by Tuition Grant Form IA 4-49. Finally, details of the placement were to be forwarded to the local Provincial Welfare office.²²⁴

By April 1960, while an application for educational assistance was approved by the Regional Office Committee, accommodation was to be arranged by the Education Division.²²⁵ By November 1961, it appears that the Branch's policy regarding the placement of Indian children in private homes was to exclude, if possible, children under the age of 16 except if the child was to attend high school. It was also reported that the Branch's policy was being reviewed.²²⁶ The implementation of this policy is discussed further in Section 5.3.3 below.

In 1969, the Dauphin District Superintendent of Education in Manitoba wrote that students would be allowed to leave their home communities to attend school only when no suitable educational facilities were available in the home community. He then stated that in the Central and Western Districts, all placements in private homes or student residences, effective immediately – September 23, 1969 – were to be made based on the recommendation of the Children's Aid officials. In the rest of Manitoba, however, where there were no Children's Aid Societies, counsellors could recommend placements and were encouraged to consult with Band Welfare officials, Assistant Indian agents, and Provincial Welfare officials. They recommended that counsellors should become "less welfare officers concerned with welfare problems."²²⁷

1. The 1959–1961 Joint Committee

A joint committee of the Senate and House of Commons was established in 1959, by the Diefenbaker government, in order to investigate Indian policy and administration. Leaders of Indian bands and Indigenous rights associations were invited to participate, and many witnesses came to testify on the urgent need to improve health, education, and social welfare services. The integration policy was also scrutinized. A delegation of

²²⁴ N. J. McLeod, Regional Supervisor, Indian Agencies, Saskatchewan, to all Superintendents and Assistants, Indian Agency, and all Indian Missionaries, September 25, 1959 [VAN-030032]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

²²⁵ A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, pp. 1-2]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

²²⁶ K. J. Gavigan, Acting Regional Director, Saskatchewan, to the Chief, Education Division, November 17, 1961 [FBH-000863[00-02]]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

²²⁷ J. R. Wright, District Superintendent of Education, Dauphin, to all Guidance Counsellors, September 23, 1969 [NEL-001885]. 501/25-1. Vol. 1, 06/01/1969-10/31/1975, Indian Education – General, Acc. W1986-87/083, Box 1, F.A.10-131 LAC – Winnipeg.

the B.C. Interior Tribes stated that they wished to retain their cultures, rights, lands and resources, while relying on cooperation with Canadian society and not integration.²²⁸ On the other side, the Federation of Saskatchewan Indians (FSI) and the Indian Association of Alberta were advocating integration for off-reserve Indian students.²²⁹ The latter organisation also recommended the establishment of hostels in Calgary and Edmonton. Apparently, the lack of consensus regarding integration “was disconcerting to members of the joint committee.”²³⁰ During the final round of hearings, the Indian Branch Director, Jones, presented a positive overview of the Branch’s achievements, including progress on the integration of Indian children into provincial schools. The final report of the Joint Committee recommended expanding the integration policy, though asking the provinces to ensure that school curricula offer a more comprehensive and accurate history of the Indian people.²³¹

2. Indian Affairs Branch Field Manual

Indian Affairs developed regulations with respect to teacher employment, training, salaries, discipline, and accommodation. These regulations were supplemented by guides included in the instructions to Indian agents, which were later compiled into comprehensive field manuals. These field manuals were divided into chapters, and Education formed Chapter 11, and included sub-chapters related to topics such as policy, types of schools, attendance at school, transportation, etc. Educational Assistance formed sub-chapter 11.08, and reads:

11.08 Educational Assistance

General Assistance

In order to further facilitate integration it has been decided to adopt the some policy at the High School level as has been followed for some years at the Elementary level. Indian students who wish to attend High School on a day basis for whom only tuition fees and school supplies will be a charge against federal funds may be enrolled in accordance with existing policy without completion of an Educational Assistance form and without referral to headquarters. For record purposes these

²²⁸ John F. Leslie, “Assimilation, Integration or Termination? The Development of Canadian Indian Policy, 1943-1963,” Thesis, Carleton University, 1999 [01054, p. 333].

²²⁹ John F. Leslie, “Assimilation, Integration or Termination? The Development of Canadian Indian Policy, 1943-1963,” Thesis, Carleton University, 1999 [01054, pp. 334, 337].

²³⁰ John F. Leslie, “Assimilation, Integration or Termination? The Development of Canadian Indian Policy, 1943-1963,” Thesis, Carleton University, 1999 [01054, p. 338].

²³¹ John F. Leslie, “Assimilation, Integration or Termination? The Development of Canadian Indian Policy, 1943-1963,” Thesis, Carleton University, 1999 [01054, p. 385].

students as well as those receiving individual assistance will be reported annually on the census of Indians attending non-Indian schools. The cost for such students will be met from a blanket allotment at Headquarters and accounts to cover such expenditures will be processed for payment in the same manner as accounts for elementary pupils.

Individual Assistance

If financial assistance in excess of the above is necessary, the Department expects the student or parents to make the maximum contribution which their circumstances will permit. Assistance will only be continued when a student successfully completes the studies of the preceding year, unless extenuating circumstances account for his or her failure. (This regulation does not apply to elementary school pupils or to Students under school-leaving age).

... [emphasis in original]²³²

As regards Individual Assistance, students and/or parents were expected to make the maximum financial contribution possible, and each request had to be formulated through Form IA 4-49. The Parliament Appropriation was divided as equally as possible between the regions, each having full responsibility for the use of its funds for educational assistance. These regional funds were to cover:

- A Maintenance of pupils in boarding homes and institutions involving room, board, clothing and incidental personal expenses including daily transportation where there is no group transportation provided.
- B Transportation from home to training centre and return.
- C Tuition fees and supplies for all courses except regular elementary and high school.²³³

The Field Manual gave special instructions in order to make funds “go as far as possible,” including the revision of all Residential School enrolments to ensure that only eligible students were admitted. Such revision was required principally to make sure

²³² Indian Affairs Branch Field Manual, Chapter 11, “Education,” updated to March 1963 [BHR-003009, p. 16]. No source information provided.

²³³ Indian Affairs Branch Field Manual, Chapter 11, “Education,” updated to March 1963 [BHR-003009, p. 18]. No source information provided.

that students under 16 years of age were accommodated in Residential Schools, as they were not to be placed in boarding homes “unless absolutely necessary.” And it further declared that in case a student under 16 had to be placed in a private home for “Welfare reasons” arrangements should consequently be made by the appropriate welfare authority.²³⁴ Over 16 years of age, placement rates were to meet the local rates: “Placement of students in private homes will be made at rates as close to the boarding schedule of local Child Welfare Agencies as possible. Rates for personal allowance will also be kept in line with the rates approved by such authorities.” [emphasis in original]²³⁵ Regarding the associated costs, here is what the Field Manual stated:

- E Do not allow any set amount for clothing but consider each case on its own merits after applying a rigid means test. (Certain limits must not be exceeded, for example \$90.00 per year for elementary, and \$100.00 for high school students....)

- F Do not allow any set amount as a personal allowance for students. Personal allowances are not a right of all but are to be considered as a privilege for only those who need and will be subject to as rigid a means test as is the clothing allowance. (Where personal allowances are absolutely necessary, reduce the amounts to such figures as \$5.00 to \$7.50 per month for elementary and junior high school students – \$7.50 to \$10.00 for senior high school students and students in technical courses....) Care should be taken to see that all allowances are used only for the purposes for which they were provided. In no cases will personal allowances exceed \$15.00 per month.

- G If group transportation is not available and bus or streetcar fare is a necessity, such costs will be shown as a charge against transportation on the Application Form and not included with Personal Allowances. Wherever possible, advantage should be taken of reduced rates for bus passes or through bulk purchase of tickets.

For every Student for whom the Department must assume board and room, maintenance, or clothing costs and for every student taking courses outside the regular Elementary or High School program, an

²³⁴ Indian Affairs Branch Field Manual, Chapter 11, “Education,” updated to March 1963 [BHR-003009, p. 18]. No source information provided.

²³⁵ Indian Affairs Branch Field Manual, Chapter 11, “Education,” updated to March 1963 [BHR-003009, p. 18]. No source information provided.

individual Educational Assistance Form must be completed annually.
[emphasis in original]²³⁶

The Education Division was to assume the cost of clothing, ensuring that the Indian students were clothed “equally as well as, but not better than, the average student, in the school where he attends.” [emphasis in original]²³⁷ The Field Manual further stated that the parents and band councils were to be encouraged to participate in these costs as much as possible. Each region was to report quarterly to Headquarters on the number of students enrolled in non-Indian Schools.

3. Circulars, 1957–1969

In December 1957, Circular No. 23 was sent to all Regional Supervisors and Superintendents, and enclosed census forms which would allow the Department to keep records of Indian children attending non-Indian schools and receiving tuition grants.²³⁸

Circular No. 117²³⁹ contained instructions pertaining to tuition grants. Similar instructions had been regularly sent in previous years through memorandums.²⁴⁰ These records were usually sent out in April, when the time came to complete applications or renew tuition grants.

Around January 1959, the Field Manual was modified in order to clarify coding and allocations of costs for maintenance of children between the Education and Welfare Divisions. Circular No. 87 informed that Section 13.31 had been added for that purpose, which clarified the distribution of costs between the two.²⁴¹

²³⁶ Indian Affairs Branch Field Manual, Chapter 11, “Education,” updated to March 1963 [BHR-003009, pp. 18-19]. No source information provided.

²³⁷ Indian Affairs Branch Field Manual, Chapter 11, “Education,” updated to March 1963 [BHR-003009, p. 19]. No source information provided.

²³⁸ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors, and the Superintendents of Indian Agencies, December 16, 1957 [VAN-045355]. 25-8, Pt. 3, 07/01/1957-01/31/1958, Tuition grants, Acc. 1989-90/101, Box 41, F.A. 10-151, LAC-Vancouver.

²³⁹ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, and the Superintendents of Indian Agencies, April 28, 1959 [FBH-001307]. RG 10 Volume 8543 File 51/25-8 1959-1960 Library and Archives Canada.

²⁴⁰ See for instance: R. F. Davey, Superintendent of Education, Indian Affairs Branch, Ottawa, to the Indian Commissioner for B.C., all Regional Supervisors, the Indian Superintendents, Agents and Regional Inspectors of Indian Schools, April 13, 1954 [FBH-001579]. RG 10 Volume 8955 File 55/25-8 Part 1 Library and Archives Canada.

²⁴¹ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, and the Superintendents of Indian Agencies, January 5, 1959 [255398]. Acc. V92-93/185,

Circular No. 34, in February 1960, stated that some regions had been operating “for nearly two years under a decentralized system of educational assistance control, while others have had approximately one year of experience in this regard.”²⁴² It was now time to clarify some aspects of the program and bring some uniformity. First, the term “Tuition Grant” was replaced by “Educational Assistance,” being “a sum payable on behalf of such Indian students attending non-Indian educational institutions.”²⁴³ The Circular then reported that there were two different types of Educational Assistance: 1 – the payment of tuition fees, school books and supplies for Indian children attending elementary integrated schools; 2 – assistance required by Indian students beyond the elementary level. For the second type, individual applications and authorities were necessary and the maximum financial contribution possible was expected from the student and/or his parents. Authorities for Expenditures were numbered chronologically from April 1, 1960, each number being prefixed by the Regional Office code number. The letter “E” identified Authorities issued from Branch Headquarters. Ordinary applications, not exceeding \$1,000 for tuition, maintenance, and transportation could be approved by the regional office. The Circular mentioned that many applications had been sent to headquarters, which could have been approved at the regional centre instead “by securing a slightly larger contribution from the parents or student, or cutting down slightly on the personal allowance or transportation provided.”²⁴⁴ Applications involving only tuition and not above \$400 could be approved by the regional office; others applications were to be referred to headquarters.

Following the approval of O.C.P.C. 1958-8/1578 in November 1958, Educational Assistance came to replace Tuition Grants. Circular Letter No. 53 was sent in order to “establish a procedure which will be aimed towards attaining maximum benefit to the Indians in return for the time and labor spent by all concerned.”²⁴⁵ The Manitoba Regional Supervisor of Indian Agencies, A. G. Leslie, suggested the following steps: A.

Box 1, File 901/1-2-3-1, vol. 1, Field Manuals, 02/1941-05/1972, FA 10-167 National Archives of Canada – Burnaby.

²⁴² H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

²⁴³ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

²⁴⁴ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Regional and District School Superintendents, and the Regional School Inspectors, February 15, 1960 [NCA-011701]. RG10, Vol. 8769, File 1/25-8, pt. 4 Library and Archives Canada.

²⁴⁵ A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, p. 1]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

Preliminary Assessment; B. Educational Assistance Application; C. Liaison; and D. Financial Assistance. Following the Preliminary Assessment, and upon approval of the Educational Assistance Application, accommodation was to be arranged by the Education Division. Financial Assistance could be provided by the Department in various categories: personal allowance, transportation, board and room, clothing and special clothing, and tools. In concluding:

The value of Educational Assistance cannot be measured in terms of cost. The importance of proper selection of individuals and the completion of students' records are emphasized in order that a higher percentage of students' successfully completing courses and entering employment in the field chosen may be achieved.²⁴⁶

From now on, circulars repeated the importance of preliminary assessment before accepting any application: "[a]pplications should not be submitted without careful consideration having been given to the academic standing, character, and attitudes of the Indian student concerned."²⁴⁷ This process was to be carefully observed in order to avoid any misunderstanding, frustration, and suspicion on the part of the Indians. It also reported that students were covered under Departmental authorities E.R. 67.

In April 1961, the Acting Director of Indian Affairs informed field staff that tuition fees had been divided between "elementary schools, high schools and other tuition fees which are indicated as "general."²⁴⁸ A coding summary for the Education Division was attached to the circular. Expenses related to tuition and maintenance of Indian children were to be coded under Vote 526, Allotment 42, Sub-allotments 801 (Tuition Fees – General), 802 (Tuition Fees – Elementary School), 803 (Tuition Fees – High School), 804 (Room and Board), 805 (Personal Allowance, and 807 (Transportation of Pupils);

²⁴⁶ A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, p. 5]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

²⁴⁷ A. G. Leslie, Regional Supervisor of Indian Agencies, Winnipeg, to Superintendents, Assistants and Principals, April 1, 1960 [FBH-002336, p. 1]. RG 10 Volume 8774 File 501/25-8 Part 2 Library and Archives Canada.

²⁴⁸ L. L. Brown, Acting Director, Indian Affairs Branch, to the Acting Indian Commissioner for B.C., the Regional Supervisors, and the Regional Superintendents of Indian Agencies, April 13, 1961 [NEL-002113[00-01]]. 1/16-1, Pt. 4, 00/00/1948-00/00/1961, General Correspondence regarding Indian Affairs Finances, Perm. Vol. 8836, F.A. 10-28, LAC – Ottawa.

additional sub-allotments were available for other expenses.²⁴⁹ By April 1963, board, room, and personal allowances were charged against Vote 529, Allotment 22.²⁵⁰

As the number of high school Indian students requiring educational assistance was growing fast, Indian Affairs turned to new terms to contain the growing expense. Residential schools began to offer hostel accommodation for those high school students receiving education in a nearby non-Indian school, but as Circular No. 62 in June 1961 pointed out, the use of private homes represented another solution, and the Boarding Home Program expanded as quickly as hostel accommodation. While the Department expected high school enrolment to keep increasing, the available space in residential schools was limited and the construction of new hostels would likely not be able to fully contain the growth, so the Department was asking its staff to make sure that the private home boarding option was “fully exploited”:

To what extent the expansion of this program is possible or desirable cannot accurately be estimated at this point. Its success will inevitably depend on student selection and supervision. The tremendous advantages for the right student in the right home with adequate counselling on educational, social and emotional problems are apparent. The difficulties, disappointments and harm that can result from an unfortunate combination of circumstances in the boarding of Indian pupils in private homes are familiar to you. However, we are not aware of any greater incidence of maladjustment amongst these pupils than amongst pupils in the same age group in hostels and residential schools.²⁵¹

Admitting that the complete number of students boarding in private homes was unknown, it assessed that there were nearly as many students in private homes than in hostels. Based on a current 6.5% high school enrolment, the circular projected a 1% increase for the next ten years, meaning an annual increase of between 450 and 600 high school students, and anticipated a total enrolment by 1970 of 62,000, including 16% or about 10,000 students attending high schools. Out of this last number, it estimated that 4,000 would be day students, while the remainder would be equally split

²⁴⁹ Summary of Coding, April 13, 1961 [NEL-002113[01-01]]. 1/16-1, Pt. 4, 00/00/1948-00/00/1961, General Correspondence regarding Indian Affairs Finances, Perm. Vol. 8836, F.A. 10-28, LAC – Ottawa.

²⁵⁰ A. N. Wark, Superintendent, Carlton Agency, to Indian Affairs Branch, Ottawa, April 25, 1963 [FBH-002360]. RG 10 Volume 8776 File 672/25-8 Part 3 Library and Archives Canada. This change appears to have been proposed by A. G. Leslie [VAN-046842].

²⁵¹ H. M. Jones, Director, Indian Affairs Branch, to the Acting Indian Commissioner for B.C., the Regional Supervisors, and the School Superintendents, June 30, 1961 [BAX-000800]. RG10, Vol. 8769, File 1/25-8, pt. 5 Library and Archives Canada.

between hostels and residential schools, and private homes. Regarding foster home care, the circular wrote: “[f]oster home care for some welfare cases has been exploited successfully on reserves where suitable homes and day school accommodation are available.”²⁵²

In November 1961, Circular No. 67 asked Regional Supervisors to report on provincial regulations relating to private homes. H. M. Jones, Director of the Indian Affairs Branch, wrote: “[i]f private homes offering care for children in the Province are controlled by a Licensing Act or other means, I would appreciate your views on the advisability of insisting that persons offering boarding home care for Indian children comply with any regulations there may be.”²⁵³

For the Department, the use of licensed homes was preferable in order to maintain its standards: “[t]he restriction of homes used for Departmental purposes to those which have been licensed or approved by the proper Provincial authority would serve to ensure that the adequate standards are maintained.”²⁵⁴ Replying to Circular No. 67, the Alberta Regional Supervisor stated that, since the Alberta Province did not require licenses for private homes taking less than four students, and as provincial Indian Affairs authorities placed preferably one child and “not more than two to a home” no license was required according to him.²⁵⁵ However, Indian Affairs also had concerns about limiting the Boarding Home Program to licensed homes because Indian residential schools could not absorb the demand for accommodation for Indian students studying outside their community.²⁵⁶ The issue of licensing is taken up again in Section 5.2.1 below. Ultimately, Indian Affairs did not introduce a licensing system for boarding homes.

²⁵² H. M. Jones, Director, Indian Affairs Branch, to the Acting Indian Commissioner for B.C., the Regional Supervisors, and the School Superintendents, June 30, 1961 [BAX-000800]. RG10, Vol. 8769, File 1/25-8, pt. 5 Library and Archives Canada.

²⁵³ H. M. Jones, Director, Indian Affairs Branch, to the Regional Supervisors, and the Indian Commissioner for B.C., November 20, 1961 [FBH-002266]. RG 10 Volume 8770 File 1/25-8 Part 6 Library and Archives Canada.

²⁵⁴ H. M. Jones, Director, Indian Affairs Branch, to the Regional Supervisors, and the Indian Commissioner for B.C., November 20, 1961 [FBH-002266]. RG 10 Volume 8770 File 1/25-8 Part 6 Library and Archives Canada.

²⁵⁵ L. C. Hunter, Regional Supervisor, to Indian Affairs Branch, December 20, 1961 [VAN-030030]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

²⁵⁶ DIAND, Draft of Policy Governing Placement of Indian Children in Boarding Homes, circa November 1961 [FBH-000863[01-02], p. 1]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

In November 1961, the Education Division prepared draft regulations for boarding home placements, which were shared with representatives of the United Church for information and review. It was also reported that one home licensed by the [Saskatchewan] Department of Social Welfare had also been used to place Indian children for education purposes.²⁵⁷ Indian Affairs hoped to expand the use of boarding homes, although welfare cases such as orphans and children from broken homes would continue to be placed in Indian residential schools, or managed by the foster-home program. The officials emphasized the need to distinguish between “boarding home” and “foster home” stating, “[i]t should be recognized clearly that any placement arranged by our Branch does not involve a transfer of guardianship.”²⁵⁸

The officials expressed a willingness to place children in Indigenous homes, but expressed concern that the increasing demand for foster care placements meant that very few suitable Indigenous homes were available for boarding home placements. The draft policy highlighted a few problems and advised caution in the following:

- (1) That the Branch use only suitable and adequate homes. For this reason an appropriate Application for Boarding an Indian Student Form has been designed. When completed, it will provide us with a fairly thorough and accurate assessment of the individual homes. Reference will be checked. We expect Church Officials and our own Staff to recommend good homes.
- (2) That parents give written consent to placement of their children and agree to relieve the Branch and persons acting on its behalf of any responsibility or liability in the event of mishap.
- (3) That parents give consent authorizing the Indian Affairs Branch to provide medical care for the child by qualified medical practitioners, as needed.
- (4) That parents indicate the religious affiliation of the home in which the child is to be placed.
- (5) That a medical and dental report be obtained for each child before he is placed in a non-Indian home. The child should be properly immunized and this record be kept on file.
- (6) That a minimum amount of information about the child and his parents be maintained at the Agency Office. A statement of marks obtained the previous year should accompany the Application for Educational Assistance.

²⁵⁷ K. J. Gavigan, Acting Regional Director, Saskatchewan, to the Chief, Education Division, November 17, 1961 [FBH-000863[00-02]]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

²⁵⁸ DIAND, Draft of Policy Governing Placement of Indian Children in Boarding Homes, circa November 1961 [FBH-000863[01-02], p. 1]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

- (7) That the parents agree to the placement for one year unless home conditions on the Reserve change during this time or it becomes necessary, in the opinion of Branch Officials, to transfer the child to another home.
- (8) That every placement be reviewed periodically and pertinent information about the placement be recorded.
- (9) That no child now in a Foster Home, approved by the Welfare Division will be accepted under this program.
- (10) That liaison be maintained between the boarding home, the school, the natural parents, the pupil and the Agency Office.²⁵⁹

An application therefore had to be completed for each case, and funds required were to be indicated under the following headings:

(i) Tuition and Supplies.

(ii) Room and Board (up to \$60.00 per month for elementary pupils, \$65.00 per month for High School pupils. When two pupils share a bedroom, it may be possible to obtain reduced rates.

(iii) Transportation, including daily carfare, when needed.

(iv) Personal allowance when deemed necessary. (Rates should not exceed \$15.00 per month for High School pupils and \$10.00 per month for Elementary pupils).²⁶⁰

Circular No. 345 in February 1962 informed Indian Affairs officials that in order to further facilitate integration, the policy of requiring individual applications and authorities for “general” educational assistance, such as tuition fees and school supplies, for Indian students who wished to attend high school was being changed and would no longer require individual applications and authorities, as was the practice for children at the elementary level. General assistance to such high school students would be charged against a blanket allotment at Headquarters. Although the Circular stressed that, in the case of “individual” educational assistance, the decentralization of control of educational assistance had procured “greater facility and freedom of action,” it also pointed out some of the problems encountered, including the lack of uniformity

²⁵⁹ DIAND, Draft of Policy Governing Placement of Indian Children in Boarding Homes, circa November 1961 [FBH-000863[01-02], p. 2]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

²⁶⁰ DIAND, Draft of Policy Governing Placement of Indian Children in Boarding Homes, circa November 1961 [FBH-000863[01-02], p. 4]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

between the regions. The circular stated that each region was to assume full responsibility for the use of its funds, which should be divided as equally as possible between the regions; it also recommended using the funds “to the best possible advantages for the greatest number of students and as their financial circumstances warrant.”²⁶¹ According to the circular, regional funds needed to cover:

- (a) Maintenance of pupils in boarding homes and institutions involving room, board, clothing and incidental personal expenses including daily transportation where there is no group transportation provided.
- (b) Transportation from home to training center and return.
- (c) Tuition fees and supplies for all courses except regular elementary and high school.²⁶²

Further, in order to bring the operations of the Department “more closely in line with Children’s Aid and Welfare payments” it issued the following directions:

- (a) Do not place students under 16 years of age in boarding-homes unless absolutely necessary. (Carefully control residential school enrolment to make room for those students who need boarding accommodation and who are under 16 years of age.)
- (b) Reduce board and room rates until they are comparable to provincial rates for students of a similar age who need foster home care.
- (c) Do not allow any set amount for clothing but consider each case on its own merits after applying a rigid means test. (Perhaps your regional staff should be advised that certain limits must not exceed, for example \$60.00 per year for high school students or \$100.00 per year for university students, etc.).

²⁶¹ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, the Superintendents of Indian Schools, and the Education Specialists, February 12, 1962 [FBH-001517]. RG 10 Volume 8871 File 55/25-8 Part 8 Library and Archives Canada.

²⁶² H. M. Jones, Director, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, the Superintendents of Indian Schools, and the Education Specialists, February 12, 1962 [FBH-001517]. RG 10 Volume 8871 File 55/25-8 Part 8 Library and Archives Canada.

- (d) Do not allow any set amount as a personal allowance for students. Personal allowances are not a right of all but are to be considered as a privilege for only those who need and will be subject to as rigid a means test as is the clothing allowance. (Where personal allowances are absolutely necessary, reduce the amounts to such figures as \$5.00 to \$7.50 per month for elementary and junior high school students – \$7.50 to \$10.00 for senior high school students and students in technical courses – \$10.00 to \$12.50 per month for students in university, etc. Care should be taken to see that all allowances are used only for the purposes for which they were provided. In no case will personal allowance exceed \$15.00 per month.)

If group transportation is not available and bus or street-car fare is a necessity such costs will be shown as a charge against transportation on the Application Form and not included with Personal Allowances. Wherever possible, advantage should be taken of reduced rates for bus passes or through bulk purchase of tickets.²⁶³

Circular No. 345 concluded by reminding that an individual Educational Assistance Form had to be completed for every student “taking courses outside the regular Elementary or High School program” for which the Department accepted to assume board and room, maintenance, or clothing costs. Each region was to report quarterly on the total number of students enrolled in non-Indian schools: those attending elementary schools, high schools, trade or vocational schools, teacher training schools, nursing institutions, university, and any other institution.²⁶⁴

Circular No. 384 was sent in July 1962 to clarify the situation following some concerns raised by Circular No. 345: “[a]s the number increases, the problems become more involved and inconsistencies in practice become more apparent. Hence, it is important

²⁶³ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, the Superintendents of Indian Schools, and the Education Specialists, February 12, 1962 [FBH-001517]. RG 10 Volume 8871 File 55/25-8 Part 8 Library and Archives Canada.

²⁶⁴ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, the Superintendents of Indian Schools, and the Education Specialists, February 12, 1962 [FBH-001517]. RG 10 Volume 8871 File 55/25-8 Part 8 Library and Archives Canada.

for us to consider a more realistic approach to the total situation.”²⁶⁵ Some of the problems encountered included the difficulty of reaching uniformity of assistance for children placed in private boarding homes; the difficulty of reaching equality in financial assistance for students placed in Indian Residential Schools, private boarding homes, or other boarding institutions; and the difficulty of reaching uniformity of rates paid for board, room, and personal allowance as compared with the rates paid by other governmental and private organizations offering Child Welfare Services. The Department issued the following directions:

- (a) Carefully review all Residential School enrolments to ensure that only bona fide students are allowed to benefit from such accommodation at public expense. (Bona fide students are those whose parents have residential status on reserves, or who reside on Crown land; and whose children must leave home because of home conditions or because the education which the children require is not otherwise available).
- (b) Generally speaking, Residential School facilities will be used for children under 16 years of age placed for educational reasons. If private home placements are necessary, due to lack of accommodation, wherever practical students over 16 years of age will be placed in private homes leaving room for the younger group in the Residential Schools. This principle should be applied judiciously to avoid disruption of present programmes and disturbing arrangements to which students have adjusted well.
- (c) Review the circumstances of all children under 16 now in private boarding homes and, wherever it seems wise, make provision for them in Residential Schools commencing this September. (It may even be possible to return some of them to their homes).
- (d) If placement of a child under 16 years of age in a private home is necessary for welfare reasons the arrangements should be made by the appropriate welfare authority.
- (e) Placement of students 16 years and over will be made at rates as close to the boarding schedule of local Child Welfare Agencies as

²⁶⁵ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors, and the Regional School Superintendents, July 3, 1962 [FBH-001983]. RG 10 Volume 11452 File 494/25-8 Part 2 Library and Archives Canada.

possible. Rates for personal allowance will also be kept in line with the rates approved by such authorities.²⁶⁶

Facing a rapidly increasing number of educational assistance cases, Regional Supervisor of Indian Agencies A. G. Leslie instructed his field staff to assure careful guidance and counselling to Indian students, in order to avoid wasting public money:

In a previous circular, Agency and School Superintendents have been asked to make a careful assessment of a student's potential before directing him into an academic high school program because of the possible waste of public funds that results when pupils fail to make satisfactory achievement.²⁶⁷

Leslie added that parents were expected to contribute as much as possible towards the costs of "special student assessments and extra-curricular functions at high school and also provide the pupils with necessary pocket money." [emphasis added]²⁶⁸ It was suggested introducing a basic contribution for the parents to meet these expenses, effective September 1, 1963. In response, the Superintendent of the Pas Agency pointed out that "[p]arent responsibility for assuming any costs has always been a problem," even though he recognized that whenever possible parents were assisting financially their children.²⁶⁹

In order to help "the greatest possible number of pupils qualified to attend high school" Indian Affairs decided, effective September 1, 1963, to impose a basic financial contribution to the parents. As regards to meeting the costs to place students in boarding homes, Circular No. 77 wrote that it also required "the greatest parental

²⁶⁶ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors, and the Regional School Superintendents, July 3, 1962 [FBH-001983]. RG 10 Volume 11452 File 494/25-8 Part 2 Library and Archives Canada.

²⁶⁷ A. G. Leslie, Regional Supervisor of Indian Agencies, Indian Affairs Branch, to the Agency Superintendents, the Assistant Superintendents, the Principals of the Residential Schools, November 19, 1962 [VAN-046845]. 128/25-8, Pt. 1, 01/01/1961-03/31/1963, Indian Education – Educational Assistance – Tuition Grants, Acc. 2001-01036-2, Box 1, F.A. 10-481, LAC-Winnipeg.

²⁶⁸ A. G. Leslie, Regional Supervisor of Indian Agencies, Indian Affairs Branch, to the Agency Superintendents, the Assistant Superintendents, the Principals of the Residential Schools, November 19, 1962 [VAN-046845]. 128/25-8, Pt. 1, 01/01/1961-03/31/1963, Indian Education – Educational Assistance – Tuition Grants, Acc. 2001-01036-2, Box 1, F.A. 10-481, LAC-Winnipeg.

²⁶⁹ J. R. Bell, Superintendent, The Pas Agency, to A. G. Leslie, Regional Supervisor, Manitoba, November 23, 1962 [VAN-046844]. 128/25-8, Pt. 1, 01/01/1961-03/31/1963, Indian Education – Educational Assistance – Tuition Grants, Acc. 2001-01036-2, Box 1, F.A. 10-481, LAC-Winnipeg.

assistance.” To that purpose, a minimum contribution of \$10 to \$25 was proposed.²⁷⁰ Circular No. 497 in February 1964 wrote that the educational assistance program was based upon the maximum possible contribution of parents or pupils, which could then be used including towards the costs of room or board. It further remarked that there had been difficulties in handling funds contributed by parents or students, adding, “in many instances it is not practical for the parents to make a direct payment and funds are turned over to the department to be applied towards the cost of education.”²⁷¹ Funds received were to be deposited in the Agency trust account, if not applicable in the trust account of the office which assumed responsibility for the education of the student.

In 1963, the Treasury Board consolidated several authorities relating to capital contribution agreements, which included the authority for the Educational Assistance Program, first authorized on November 20, 1958. Treasury Board decided to remove the authority for educational assistance from the Order in Council. It stated that providing assistance such as support, maintenance, and transportation to Indians attending joint schools away from home was “more appropriately considered simply as a cost of ‘Education’ and thus covered by the Education Vote; accordingly, this assistance could be covered in a T.B. Minute or letter.”²⁷²

By February 1964, the Educational Assistance Program was made up of four sections:

- (a) General assistance for all Indian students in non-Indian schools and institutions of learning.
- (b) Bursaries to augment parents or students funds for those students who must leave home in order to receive suitable training.
- (c) Scholarships for outstanding students.
- (d) Loans for those who do not qualify for bursaries.²⁷³

²⁷⁰ H. M. Jones, Director, Indian Affairs Branch, to the Indian Commission for B.C. and the Regional Supervisors, October 4, 1962 [VAN-030024]. 701/25-1, Pt. 7, 06/01/1962-12/31/1963, Education – General, Acc. 1985-86/137, Box 3, F.A. 10-135, LAC-Ottawa.

²⁷¹ R. F. Battle, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, and the Regional and District School Superintendents, February 17, 1964 [FBH-002210]. RG 10 Volume 8544 File 51/25-8 Part 17 Library and Archives Canada.

²⁷² Treasury Board List Précis TB 601776, February 14, 1963 [NPC-520957a]. LAC R776-0-5 (RG 55) Vol. 273 T.B. #601776.

²⁷³ By July 1964, DIAND had removed the Loans section from its Educational Assistance Programme. R. F. Battle, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, the Superintendents of Indian Schools, and the Educational Specialists, February 12, 1964 [FBH-002274]. RG 10 Volume 8770 File 1/25-8 Part 7 Library and Archives Canada.

The financial costs relating to the placement of the students in boarding homes fell within the second section, i.e., the “Bursary Programme,” which included three categories: (a) the maintenance of the students in boarding homes and institutions “involving room, board, clothing and incidental personal expenses including daily transportation where there is no group transportation provided;” (b) transportation from and to the institution; and (c) tuition fees and supplies “except regular elementary and high school.”²⁷⁴ By July 1964, Circular No. 529 officially reported that such educational assistance would be known as “bursaries,” while it reformulated the section in question:

2. For students who have to board away from home, the Department gives financial assistance to cover costs of board and lodging, in addition to the payment of tuition fees, supplies, etc.²⁷⁵

Circular No. 529 in July 1964 divided educational assistance to Indian students into three categories:

1. Tuition fees and supplies on behalf of Indian pupils attending Elementary and High Schools from their homes.
2. For students who have to board away from home, the Department gives financial assistance to cover costs of board and lodging, in addition to the payment of tuition fees, supplies, etc.
3. Special scholarship awards to outstanding students.²⁷⁶

Regarding the second category, the Circular informed that these expenses will from now on be known as “bursaries.” As usual, parents were expected to contribute towards the costs of the education of their children.

With the decentralization of financial responsibility to the field, the Assistant Deputy Minister R. F. Battle, in Circular No. 551 dated October 21, 1964, asked that the regional

²⁷⁴ R. F. Battle, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, the Superintendents of Indian Schools, and the Educational Specialists, February 12, 1964 [FBH-002274]. RG 10 Volume 8770 File 1/25-8 Part 7 Library and Archives Canada.

²⁷⁵ R. F. Battle, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, the Superintendents of Indian Schools, and the Educational Specialists, July 7, 1964 [200307]. (205)701/25-8, Vol. 3, 01/64-06/65 NAC – Edmonton.

²⁷⁶ R. F. Battle, Director, Indian Affairs Branch, to the Indian Commission for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, the Superintendents of Indian Schools, and the Educational Specialists, July 7, 1964 [PBQ-002772]. RG 10, Accession 2002-00101-4, Box 80, File 301/25-8 Part 10 Library and Archives Canada.

staff send the Regional Quarterly Return in time – all students receiving individual educational assistance were to be included in these reports. These returns were crucial for Headquarters in order to develop a national picture of enrolment, dropouts, and expenditures.²⁷⁷

A circular in February 1969 claimed that new measures introduced in the spring of 1968 would allow for a better preparation of the educational needs of high school students; it added that more improvements were advisable in 1969 to keep the dropout situation at a minimum. Guidance staff were asked to take action to assist students, including individual interviews with Grade 8 students to help them plan either their commute or a “boarding plan” in an urban centre. They were instructed to provide students with details regarding schools, social activities, boarding arrangements, allowances, clothing allotments, transportation, counsellor help and supervision, adding, “[t]he essential point of view here is that all reasonable needs of boarding students will be taken care of.”²⁷⁸ Urban centre counsellors – also known as the receiving counsellors – were asked to ensure that a sufficient number of boarding homes would be available, contacting church groups and “various clubs” if necessary to find new homes.

By 1969, student residences were admitting students who needed a period of adjustment to urban living before they could “manage” a placement in a private home; students were also placed in student residences if there was no available boarding home in the urban centre where the school was located. This is discussed further in Section 5.3.1 below. For the period 1968-69, a total of 3,671 students had been placed in boarding homes, a third of them in Ontario; the majority of the students being 16 years old or older and enrolled in high schools.²⁷⁹

4. New Circulars, 1973–1978

Beginning in 1973, DIAND developed a series of 12 circulars, known as E-series circulars, related to education policy for Indians. These guidelines were established by the government as a way to establish parameters for responsibility and authority over education expenditures. The E-circulars laid out policy guidelines, a framework for transferring education programs to Band Council control, defined local control of

²⁷⁷ R. F. Battle, Assistant Deputy Minister, Indian Affairs Branch, to the Indian Commissioner for B.C., the Regional Supervisors, the Superintendents of Indian Agencies, and the Regional School Superintendents, October 21, 1964 [NEL-002006[00-02]]. Series 'C' Green, JL103.C3777 v C5 C.2, AANDC.

²⁷⁸ R. E. Bean, Assistant, Regional Superintendent of Education, Saskatchewan, to District School Superintendents and Guidance Counsellors, February 21, 1969 [VAN-047689]. Guidance – general corresp. etc, 02/29/1968-04/08/1971, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

²⁷⁹ D. K. F. Wattie, Chief, Guidance and Special Services, to R. F. Davey, Director, Education Branch, August 11, 1969 [121697]. File 1/25-13, Vol. 14, 06/1968-08/1969.

education, curriculum and language programs, and transportation costs.²⁸⁰ One key stipulation was that Band-operated programs must not cost the Department more than it would if the Department were operating them.²⁸¹

The E-Series guidelines were distributed to Bands in April and May of 1975. At this point the National Indian Brotherhood rejected the guidelines on the grounds that they had not been consulted.²⁸² In November 1978, DIAND released the E-1 Program Circular which replaced all earlier policy statements regarding the education program. The preamble to the new circular stated that it incorporated changes in the delivery of education services that had been worked out jointly with “Indian representatives” in recent years;²⁸³ in practice, the 1978 guidelines retained most of the key elements of the 1975 guidelines.

Program Circular E-1 on Education Policy was released in November 1978; it stated that either the Department or the Band Council could make housing arrangements for status Indian students living on-reserve who needed to live off-reserve during the school term to attend “an appropriate school.”²⁸⁴ The E-1 Circular focused on policy for kindergarten, elementary and secondary education, accommodation and facilities, and Cultural Education Centres. Government responsibility for Indian education was to remain limited to on-reserve Indians only.²⁸⁵ Program Circular No. E-1 outlined changes brought to the Education Policy of Indian and Inuit Affairs in the delivery of educational services to Indian people. As regards to costs relating to boarding homes, it stated:

- 2.5 The financing of educational services to status Indians will be budgeted for through Departmental Estimates, and the administration of the program must conform to normal federal government policies, standards, requirements and controls.

²⁸⁰ See, for example, Department of Indian and Northern Affairs, Indian and Eskimo Affairs Program, Program Circular E.3 (Advance Copy), April 1975 ca., n.d. [ISP-01165[01-01]]. DIAND File NCRSH 8888-119.HQ.5 UNC Vol. 3.

²⁸¹ Department of Indian and Northern Affairs, Indian and Eskimo Affairs Program, Program Circular E.1 (Advance Copy), January 1, 1975 [ISP-01175[01-01]]. DIAND File NCRSH 8888-122.HQ.1 UNC Vol. 2.

²⁸² Education and Social Development Branch, “Indian Education Policy Review Phase I,” November 27, 1981 [ISP-01380[00-08], p. 14]. DIAND File NCR-E 4700-0 UNC Vol. 1 Ann. 2.

²⁸³ Indian and Inuit Affairs, Circular E-1, November 1, 1978 [ISP-01088]. DIAND File 1/25-1 Vol. 85. See point 1.1.

²⁸⁴ R. D. Brown, Assistant Deputy Minister – Programs Indian and Inuit Affairs, November 1, 1978 [VAN-045006[01-01], p. 9]. 701/25-1, Pt. 32, 01/1979-03/1980, Education – General, Acc. 1997-98/161, Box 71, F.A. 10-437, LAC-Ottawa.

²⁸⁵ Indian and Inuit Affairs, Circular E-1, November 1, 1978 [ISP-01088]. DIAND File 1/25-1 Vol. 85. See points 2.2, 4.2, and 4.3.

- 4.7 Where a suitable or desired level of education is not available on a reserve, Indian children, with the consent of parents or guardians, may be provided with residence or boarding home care at government expense at a location where the necessary education services are available.
- 4.9 Except during the first twelve (12) months of residence off-reserve, the Department of Indian Affairs will not accept financial responsibility for education services to such status Indian school-age children.
- 8.1 Where status Indian students living on reserve are required to live away from home during term time in order to attend an appropriate school, the Department or a Band Council shall make arrangements for the care of the children in a residence, group or boarding home situation.
- 8.3 Arrangements may be made with private homes for the boarding of Indian children requiring such services. The liaison with and supervision of such private homes shall be carried out by the Department or Band-appointed counsellors or counsellor-assistants under the appropriate Departmental directives.²⁸⁶

2. Indigenous Responses

A speech delivered in September 1971 by Minister Jean Chrétien “caused consternation” among Indigenous peoples. According to the National Indian Brotherhood, it was even a step backwards despite the recommendations made by the Standing Committee on Indian Affairs and Northern Development in June 1971 – see Section 9.4 below on the Fifth Report of the Standing Committee on Indian Affairs and Northern Development (Watson Report) – and the friendly discussion that had just happened between Chrétien and the NIB. That speech was reminiscent of the rejected 1969 White Paper, wrote the NIB, adding:

²⁸⁶ R. D. Brown, Assistant Deputy Minister – Programs Indian and Inuit Affairs, November 1, 1978 [VAN-045006[01-01], pp. 3-10]. 701/25-1, Pt. 32, 01/1979-03/1980, Education – General, Acc. 1997-98/161, Box 71, F.A. 10-437, LAC-Ottawa.

IN MATTERS THAT CONCERN US AND AFFECT OUR LIVES AND FUTURE
WE WANT DIRECT INVOLVEMENT AND PARTICIPATION AT EVERY
LEVEL OF PLANING, DECISION MAKING AND ADMINISTRATION.²⁸⁷

The NIB was particularly concerned by the Department's unilateral decision to transfer Indian education to provinces. The NIB demanded that any transfer of Indian children into integrated schools had to take place "with the consent and at the request" of the concerned parents themselves.²⁸⁸

A National Education Liaison Committee critiqued the E-1 Circular shortly after its introduction; it charged that although the new guidelines purported to include changes "developed jointly by the Department and Indian representatives," in fact the new circular represented departmental policy without taking Indian views into consideration. Specifically:

It excludes changes in the delivery of educational services which would effect control by Indian people. No consultation with Indian people or their representatives occurred in the preparation of this policy. The administrative procedures currently in force impede the realization of Indian Control of Indian Education.²⁸⁹

The Committee protested the exclusion of off-reserve children from the guidelines on the grounds that "[l]ocal control and parental responsibility extend to all phases of Indian education, both on and off-reserve."²⁹⁰ It argued that the Department was retaining too much control with regard to tuition agreements with the provinces, requirements to conform to federal policies and standards, and caveats allowing for "Departmental discretion" in the approval of programs and funding.²⁹¹

²⁸⁷ George Manuel, President, National Indian Brotherhood, to Jean Chrétien, Minister of Indian Affairs and Northern Development, September 28, 1971 [01047[01-01], p. 2]. MG 32, C69, Volume 68, File 8, LAC – Ottawa.

²⁸⁸ George Manuel, President, National Indian Brotherhood, to Jean Chrétien, Minister of Indian Affairs and Northern Development, September 28, 1971 [01047[01-01], p. 2]. MG 32, C69, Volume 68, File 8, LAC – Ottawa.

²⁸⁹ National Education Liaison Meeting, E-1 Critique, February 19-21, 1979 [ISP-03282]. DIAND File 1/25-1 Vol. 84. See point 1.1.

²⁹⁰ National Education Liaison Meeting, E-1 Critique, February 19-21, 1979 [ISP-03282]. DIAND File 1/25-1 Vol. 84. See points 2.2, 4.2 and 4.9.

²⁹¹ National Education Liaison Meeting, E-1 Critique, February 19-21, 1979 [ISP-03282]. DIAND File 1/25-1 Vol. 84. See points 2.4 to 2.6, 4.1 and 4.3.

By 1981, the E-1 Program Guidelines had also been withdrawn due to “[s]trong pressures from the Indian political organizations.”²⁹²

By October 1980, DIAND was committed to developing standards of service for its non-discretionary education programs, including Maintenance of Students and Transportation. To that purpose, it prepared a draft and distributed it to all district managers, in order to get their feedback. DIAND expected that the district managers would consult with the Band representatives as to include their recommendations in their feedback.²⁹³ More information on the role of Bands and Indigenous organizations in the Boarding Home Program can be found in Section 7 of this report; additional information on critiques and suggestions from Indigenous organizations can be found in Section 9.

3. *Communication between Field and Headquarters*

The circulars discussed above were a key tool in communication from Headquarters to the field staff; sometimes, field staff were invited to respond to directives, but often the channels of communication appear to have been less formal and, in many instances, decisions were made on a case-by-case basis. A 1984 report recognized that, in practice, policy development had historically been “an ad hoc type of activity ranging from written instructions to field staff to the development of guidelines formulated in headquarters.”²⁹⁴ It further acknowledged that, until recently, quality had not been a main driver in the development of Indian education policy. In the absence of its own policies in certain areas, DIAND also relied mainly on provincial standards in order to guide federal policy development.

1. *DIAND Educational Assistance Policy Manual*

In 1970 DIAND released a policy manual dedicated to Educational Assistance titled *Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students*. This was the outcome of “Regional and District workshops and

²⁹² Education and Social Development Branch, “Indian Education Policy Review Phase I,” November 27, 1981 [ISP-01380[00-08], p. 14]. DIAND File NCR-E 4700-0 UNC Vol. 1 Ann. 2.

²⁹³ DIAND. Federal School – Standards, circa October 1980 [VAN-082331[02-09], pp. 2-3]. 975/25-1, 01/01/1979-12/31/1981, Indian Education – General, Acc. 2007-00592-1, Box 4, F.A. 10-138, LAC-Vancouver.

²⁹⁴ DIAND. First Nations Elementary and Secondary Education, January 13, 1984 [DAY-060506, p. 15]. RG 10 Accession 2014-02388-3 Box 82 File 8888-76.A.3 Part 3 Library and Archives Canada RG 10 Accession 2014-02388-3 Box 82 File 8888-76.A.3 Part 3 Library and Archives Canada.

exchanges of correspondence between Headquarters and field officers.”²⁹⁵ Its origin was to be found in the 1968 study on boarding homes by Miss B. Snider. The DIAND policy paper was written under the supervision of the Director of Education, G. D. Cromb, and came to be known as the Cromb Policy Paper. This manual superseded all previous circulars related to Educational Assistance and any statements found in the Section 11.08 of the Branch Field Manual which would contradict the present policy paper. For more on the Cromb Paper, see Section 9.3.

Five types of Educational Assistance were available:

- 1 – Tuition Fees;
- 2 – Books and Supplies;
- 3 – Board and Room;
- 4 – Clothing;
- 5 – Transportation; and
- 6 – Education Allowance.

Board and Room Educational Assistance was defined as follows:

Board and room in an approved boarding home may be provided for students who must live away from home in order to attend school. Payment for board and room is usually arranged by the Counsellor. The rates paid for board and room may vary between Regions, but they should be comparable to the rates paid by other students living in boarding homes in the same area. ...

Senior students may receive a cash allowance to pay for board and room, clothing and incidentals. This latter method is referred to as the Honour System. Placement of a student on the Honour System should be contingent on regular school attendance and on prompt payment of board and room accounts. If a student on the Honour System of allowances defaults in the payment of board and room, the Department will ensure that his outstanding board and room account is paid in full. The defaulting student should be removed from the Honour System, but, as this is a learning experience, he should be

²⁹⁵ DIAND, Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, 1970 [200653B, p. 3]. File 701/25-8, Vol. 9, 01/1970-04/1971 National Archives of Canada – Edmonton.

reinstated as soon as there is evidence of his ability to once again handle the responsibility.²⁹⁶

Transportation Educational Assistance was described as follows:

Transportation allowances may include return plane, train or bus fare from the student's home to the school once a year. It may also include daily bus fares between the student's home and the school and transportation for school-sponsored extra-curricular activities.

Parents should be encouraged to provide the transportation for their children to return home during extended school vacations, and the Counsellor and District Superintendent of Education should cooperate to make this possible. Whenever possible, school committees or parent's groups should be involved in the transportation arrangements for extra-curricular activities.²⁹⁷

And Educational Assistance as it related to Education Allowance was defined as follows:

An education allowance may be provided to cover miscellaneous and personal supplies, and to enable the student to take part in community affairs and social activities. This allowance is intended for students whose parents are unable to provide them with an allowance, or only a partial allowance, and on whose behalf the parents have completed an Application for Educational Assistance form. The education allowance may be paid to students in the categories as listed in Section C following. It is intended to provide equal incentive to continue in school for all students, whether they attend school from their home on the reserve, from a boarding home or from student residence.²⁹⁸

The Policy Manual identified three distinct groups of in-school students: students living on the Reserve; students living in a Boarding Home; and those living in a Student Residence. Students living in a Boarding Home were eligible to all six types of

²⁹⁶ DIAND, Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, 1970 [200653B, p. 8]. File 701/25-8, Vol. 9, 01/1970-04/1971 National Archives of Canada – Edmonton.

²⁹⁷ DIAND, Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, 1970 [200653B, p. 9]. File 701/25-8, Vol. 9, 01/1970-04/1971 National Archives of Canada – Edmonton.

²⁹⁸ DIAND, Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, 1970 [200653B, pp. 9-10]. File 701/25-8, Vol. 9, 01/1970-04/1971 National Archives of Canada – Edmonton.

Educational Assistance. The following clarifications were given relating to transportation:

Return transportation by the most direct and economical route from the student's home to the school centre may be provided once a year. Daily bus fares between the boarding homes and the school, and transportation to school-sponsored extra-curricular activities may also be provided as necessary.²⁹⁹

And regarding Education Allowance, the Manual stated that students living in boarding homes were eligible to a minimum of \$10 per month.³⁰⁰

The DIAND Policy Manual was revised in 1971, particularly in order to bring new clarifications regarding transportation assistance, clothing and education allowances. The Manual now specified that Educational Assistance for in-school programs could be granted only following the completion and approval of an Application for Educational Form (Form 1A352), signed by the parent or the guardian. Also, to be granted, no other source of assistance was to be available, and no other agency was to provide the same service. Group B – students living in boarding homes – were eligible for the whole range of Educational Assistance – i.e., tuition fees, books and school supplies, education allowance, transportation, clothing, and board and room. There was no modification regarding Board and Room Educational Assistance, but the transportation paragraph was altered in order to reflect the change of policy allowing the expense of a return trip at Christmas:

Return transportation by the most direct and economical route between the student's home and the school centre may be provided at the beginning and end of the school year and at the Christmas holiday break to enable the students to spend Christmas with their families. Daily bus fares between the boarding home and the school, and transportation to school-sponsored extra-curricular activities may also be provided as necessary. Whenever possible, parents, school

²⁹⁹ DIAND, Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, 1970 [200653B, p. 12]. File 701/25-8, Vol. 9, 01/1970-04/1971 National Archives of Canada – Edmonton.

³⁰⁰ DIAND, Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, 1970 [200653B, p. 12]. File 701/25-8, Vol. 9, 01/1970-04/1971 National Archives of Canada – Edmonton.

committees, band councils or parent's groups should be involved in the transportation arrangements for extra-curricular activities.³⁰¹

Students were also eligible for a clothing allowance to ensure that they were suitably dressed in all seasons, and for special school occasions, although parents were encouraged to provide the necessary clothing. The District Superintendent of Education was responsible for determining the maximum amount available for clothing. Transportation from home at the beginning of the school year and to home at the end may be provided, transportation at Christmas, as well as daily bus fares required to attend school; parents, school committees, band councils, or parents' groups were encouraged to provide the transportation for extra-curricular activities. Finally, an education allowance of \$10 per month was available for students living in boarding homes for "miscellaneous and personal supplies" and to allow the students to participate in community affairs and social activities. The types of educational assistance were generally the same as those listed in the 1970 Manual:

Tuition Fees

Payment of tuition fees is arranged by the Superintendent of Schools.

Books and School Supplies

Books and school supplies may be provided with the limitations as noted in Section B. 2.

Board and Room

Board and room may be provided as noted in Section B. 3.

Clothing

Clothing may be provided as noted in Section B. 4.

Transportation

Return transportation by the most direct and economical route from the student's home to the school centre may be provided once a year. Daily bus fares between the boarding homes and the school may also be provided as necessary.

Education Allowance

A minimum of \$10.00 per month may be provided to all students living in boarding homes.³⁰²

³⁰¹ DIAND, Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, Revised in July 1971 [200408, p. 10]. File 701/25-8, Vol. 14, 01/1975-02/1976 National Archives of Canada – Edmonton.

5. Operation of Homes

While legislation, funding agreements, and policy documents established guidelines and standards for the Boarding Home Program, interpretations of these varied through time and by region, so that the history of the Boarding Home Program includes many different approaches to the use of private boarding homes as a strategy for making education accessible to Indigenous students.

1. Early use of Boarding Homes (pre-1954)

As noted in Section 3.1, prior to the creation of the Educational Assistance program in 1958, tuition grants for individual students could include money for “room and board,” as well as clothing and transportation. The documents reviewed include many examples of tuition grant applications for room and board funding.

The evidence suggests that some of these payments were made to institutions, such as convents, but that Indian Affairs also occasionally placed children in private boarding homes. Placements with religious institutions have not been researched in detail since these do not fit within the parameters of what would later be described as the Boarding Home Program. Some were considered for inclusion in the Residential Schools Settlement Agreement.³⁰³

The tuition grant form required applicants to explain why funding was required. The documentation reviewed shows that many requests pertained to social welfare concerns. Examples of placements in private homes prior to 1958 include:

- In 1951, Indian Affairs paid four weeks’ room and board for a student in New Brunswick who could not travel back and forth due to weather conditions.³⁰⁴

³⁰² DIAND, *The Boarding Home Program and Educational Assistance – Policy and Guidelines – Draft proposal only* (Ottawa: Guidance and Special Services Division – Education Branch, DIAND, 1969) [VAN-045053[00-01], pp. 12-13]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

³⁰³ See for example *Application for Tuition Grant – PROVOST, Gladys, July 25, 1957* [VAN-076185[06-06]]. 116/25-8, Pt. 6, 03/30/1957-08/31/1958, Tuition Grants, Acc. 1994-95/653, Box 12, F.A. 10-463, LAC-Ottawa. This application was for payment of room and board at Kermaria Convent, which was considered in the 2013 list “Requests made pursuant to Article 12 to add institutions to the Settlement Agreement,” but was not included on the grounds that it was operated by a religious organization. Residential Schools Settlement Official Court Notice – <https://www.residentialschoolsettlement.ca>. See “Ker Maria Convent,” p. 8.

³⁰⁴ Voucher No. 846, December 27, 1951 [FBH-011332]. RG 10 Volume 9041 File 26/25-8 Part 3 Library and Archives Canada.

- Also in 1951, Indian Affairs paid room and board for a student from Restigouche attending a trade school in Montreal.³⁰⁵
- In a letter dated April 13, 1954, Superintendent of Education R. F. Davey remarked that the Department had been receiving many complaints about delays in payments for “board and lodging” for students “enrolled in non-Indian schools and living in private homes.”³⁰⁶
- In July 1954, it was reported that some high school students in British Columbia were being boarded “in non-Indian communities or elsewhere” because there was no space for them at residential schools. The writer noted an inequality because Indian Affairs paid the costs of the students in residential schools, but when students boarded elsewhere, “the parents assume a significant part of the cost.”³⁰⁷
- A seven-year-old boy in New Brunswick was recommended for placement in a private home to allow him to attend school. The child had attended Grade 1 at a public school closer to his home, but was not able to continue there due to “overcrowding.”³⁰⁸
- In 1955, a 16-year student from Quebec was recommended for placement in a boarding home to attend high school because she was “not well treated at home by her father.”³⁰⁹
- In 1956, a 16-year-old student in Manitoba was recommended to receive funding for room and board in order to attend high school.³¹⁰
- In 1957, Indian Affairs paid for “room and board” for some Saskatchewan students. In some cases, the students were boarded with religious organizations,

³⁰⁵ Receipt for room and board – Basque, Henry, July 31, 1951 [FBH-011345[00-01]]; and E. Laliberté, Directeur, Le Service Social de la jeunesse ouvrière catholique: accueil masculin, September 5, 1951 [FBH-011345[01-01]]. Both in RG 10 Volume 9041 File 26/25-8 Part 3 Library and Archives Canada.

³⁰⁶ R. F. Davey, Superintendent of Education, to Indian Commissioner for B.C., All Regional Supervisors, Indian Superintendents, Agents and Regional Inspectors of Indian Schools, April 13, 1954 [FBH-001579]. RG 10 Volume 8955 File 55/25-8 Part 1 Library and Archives Canada.

³⁰⁷ R. F. Davey, Superintendent of Education, to W. S. Arneil, Indian Commissioner for BC, July 13, 1954 [120587]. Indian Affairs, RG 10, Vol. 8760, File 901/25-1, Pt. 2 Public Archives Canada.

³⁰⁸ V. J. Caissie, Acting Superintendent, Miramichi Agency, to Indian Affairs Branch, September 28, 1954 [FBH-001577]. RG 10 Volume 8955 File 55/25-8 Part 1 Library and Archives Canada.

³⁰⁹ Application for Tuition Grant – Metallic, Patricia, May 16, 1955 [FBH-011451]. Another student, age 19, was also recommended for a boarding home placement to attend a Home Economics course. Application for Tuition Grant – Metallic, Regina, May 16, 1955 [FBH-011452]. Both in RG 10 Volume 9042 File 26/25-8-2 Part 1 Library and Archives Canada.

³¹⁰ Application for Tuition Grant – Shingoose, Hazel Grace, August 24, 1956 [FBH-014721[01-01]]. RG 10 Volume 10395 File 511/25-8 Part 6 Library and Archives Canada.

- but at least two students attending provincial schools appear to have been boarded through private arrangements.³¹¹
- Also in 1957, Indian Affairs paid room and board for some Ontario high school students. The reasons given for assistance focused on the economic circumstances of the families and the academic achievements of the students. Additional funding requested for clothing allowances was not approved.³¹²
 - A 16-year-old Yukon student was recommended to receive funding for room and board to attend a different high school, even though Grade 9 was available in her home community, because “the home conditions are not good.”³¹³

Once the Boarding Home Program was formally initiated in 1958, it expanded rapidly. By 1961, a substantial number of students were living in private boarding homes, although at that date there were no statistics available.³¹⁴ H. M. Jones, Director of the Indian Affairs Branch, commented on the potential and risks of the boarding home program:

To what extent the expansion of this program is possible or desirable cannot accurately be estimated at this point. Its success will inevitably depend on student selection and supervision. The tremendous advantages for the right student in the right home with adequate counselling on educational, social and emotional problems are apparent. The difficulties, disappointments and harm that can result from an unfortunate combination of circumstances in the boarding of students in private homes are familiar to you. However, we are not

³¹¹ See for example Voucher Form – room and board for Martha Constant attending Pahonan School – April 1957, May 16, 1957 [FBH-004762]; and Voucher Form – partial accounting for room and board for Jacob Mike attending Stobart High School, November 22, 1957 [FBH-004779]. The first was paid to Mrs. Charlie Smith and the second to the Duck Lake Agency account. Compare with Voucher Form – room and board for students attending high school – October and November 1956, October 28, 1957 [FBH-004777], which was paid to the Sisters of St. Joseph. All in RG 10 Volume 8779 File 674/25-8 [Duck Lake] Part 2 Reel C-9711 Library and Archives Canada.

³¹² See for example Application for Tuition Grant – Moonias, Raphael, August 2, 1957 [FBH-013550]; Application For Tuition Grant – Onobigon, Genevieve, July 31, 1957 [FBH-013551]; and Application For Tuition Grant – Penewatang [Abraham], Marguerite Veronica, August 8, 1957 [FBH-013552]. All in RG 10 Volume 8773 File 492/25-8 Part 1 Library and Archives Canada.

³¹³ Application for Tuition Grant – Hager, Laura, May 23, 1957 [VAN-045364]. 25-8, Pt. 3, 07/01/1957-01/31/1958, Tuition grants, Acc. 1989-90/101, Box 41, F.A. 10-151, LAC-Vancouver.

³¹⁴ Specifically, it was estimated that “nearly 50 per cent” of high school students required accommodation, and that “roughly equal” numbers were in boarding homes and hostels, the two forms of accommodation available at the time. Since the students living away from home were not all high school students, it would be difficult to extrapolate any kind of numerical estimate from this report. See Circular No. 62 – Hostel Accommodation and Private Home Accommodation for Indian Students, June 30, 1961 [NCA-013241]. RG10, Vol. 8769, File 1/25-8, pt. 5 Library and Archives Canada.

aware of any greater incidence of maladjustment amongst these pupils than amongst pupils in the same age group in the hostels and residential schools.³¹⁵

2. Selection of Boarding Home Operators

The selection of boarding home operators was based in part on proximity to the school in question. Other criteria commonly considered included the physical condition of the bedroom and/or study area that the student would use and the character of the prospective boarding home operators. While many of the documents refer to these as “parents,” this report prefers to reserve that term for the actual parents of the students. Still, in reading the documents, it is useful to remain aware that Indian Affairs thought of boarding home operators as a sort of substitute family for students.

1. General Standards

Many regions had specific, written criteria for boarding home operators. In 1961, the Teacher-Supervisor of Indian Students in Edmonton recommended the following:

Physical Requirements

1. Good class modern home in better districts.
2. Single beds if double room.
3. Desk and student lamp for study purposes.

Other Requirements

1. If possible walking distance from school to be attended.
2. Strong family unit with ability to control and discipline if necessary.
3. Ability to supervise home study to some degree.
4. Regular and strong members of church.
5. Willingness to accept student as a member of the family.³¹⁶

A handbook for the Vancouver program suggested that the selection of boarding homes included a requirement for proximity to a church of the student’s denomination, and that the pastor would be apprised of the student’s arrival.³¹⁷

³¹⁵ H. M. Jones, Director, Indian Affairs Branch, to Acting Indian Commissioner for B.C., Regional Supervisors, and Schools Superintendents, Circular No. 62 – Hostel Accommodation and Private Home Accommodation for Indian Students, June 30, 1961 [NCA-013241]. RG10, Vol. 8769, File 1/25-8, pt. 5 Library and Archives Canada.

³¹⁶ J. E. Kerens, Teacher Supervisor, Edmonton, to G. K. Gooderham, Regional Superintendent of Indian Schools, November 27, 1961 [VAN-030031]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

The Regional Supervisor for the District of Mackenzie also reported that private boarding homes were not licensed and recommended against introducing a licensing system. He noted that the process of selection included “an investigation by the Superintendent or his representative who may in some cases be a Northern Affairs’ Social Worker.”³¹⁸ The Supervising School Principal for the Southern Alberta Region reported that the selection of boarding homes was guided by “certain minimum standards.”³¹⁹ In Brandon, Manitoba, the selection of boarding homes was managed by the principal of a residential school, who described the procedure he used:

... each applicant who wishes to board our children must be interviewed by me then advised that their application must be approved by both the City Health unit and the Children’s Aid ... usually there is no objection to the City Health unit inspecting these homes but the majority do object strenuously when told they must be prepared to have a social study made of their entire family before their home can be approved.³²⁰

The 1962 handbook for the Akaitcho Hall Home Boarding Program (NWT/Nunavut) states that private home boarding parents were to provide “a warm and hospitable family atmosphere.”³²¹

An application form used in the Lakehead Inspectorate (Ontario) asked prospective boarding home operators about their proximity to a high school, whether they had their own children or foster children in the home already, whether the woman of the house was employed, whether the student would be expected to work while in placement, and whether the house would have a study table and lamp for the use of the student. The

³¹⁷ New to Vancouver – An Information Booklet for Students, June 26, 1958 [VAN-045385[01-01], p. 7]. 25-8, Pt. 4, 07/01/1958-06/30/1959, Tuition grants, Acc. 1989-90/101, Box 41, F.A. 10-151, LAC-Vancouver.

³¹⁸ J. G. McGilp, Regional Supervisor, District of Mackenzie, to Indian Affairs Branch, November 29, 1961 [FBH-002260]. RG 10 Volume 8770 File 1/25-8 Part 6 Library and Archives Canada.

³¹⁹ A. MacKinnon, Supervising School Principal, Southern Alberta Region, to Regional Supervisor, Alberta, December 11, 1961 [VAN-030029[00-01]]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

³²⁰ Ford Bond to S. E. M. Joblin, associate Secretary, Board of Home Missions, November 22, 1961 [VAN-055332[01-01]]. 501/25-8 [Portage Prairie], Pt. 5, 1961-1967, Education Ass, Acc. 1999-01431-6, Box 242, F.A. 10-379, LAC-Ottawa.

³²¹ Akaitcho Hall Boarding Home Program [AHU-002895, p. 2]. Akaitcho Hall Misc. [Handbook], 1987-1992 Transfer No. 1530, Box 18 Government of Northwest Territories – Education, Culture and Employment.

home was also asked to provide references from (1) family doctor, (2) a friend, and (3) clergy. A form letter attached to this application asks three questions:

1. Is the moral atmosphere of this home conducive to good training?
2. Are these parents and their children in normal good health?
3. Do you feel the parents will accept supervision and co-operate with the Branch?³²²

An application used in the Abitibi District (Quebec) included questions about the prospective home's economic situation, previous experience boarding children, and whether they would be willing to sign an agreement that the children they boarded would be well fed, well housed, and well looked after. The applicants were asked to provide two references.³²³

In 1968, Manitoba guidance counsellors were told that all prospective boarding homes should be inspected by a Health Inspector and that the counsellor should consider the following in deciding whether or not to select a boarding home:

Criteria on What Makes a Suitable Home

People who like children and where there is a good relationship in the home. Excessive drinking should be considered. Neurotic people not accepted. Dictatorial attitude not accepted. Home to be gauged by personal reaction. Best homes are often ones which are referred by people who already are on private home placement.³²⁴

According to the 1970 Education Assistance Guidelines, each applicant was to be assessed by a counsellor in a home visit and interview. Any provincial or municipal standards for boarding homes must be met, but the counsellor was to equally weigh the "home environment." Specifically, the requirements included:

- "indications that the boarding home family is normal, healthy and well-adjusted, has a sincere interest in teenage children and their education and has an understanding of ethnic, cultural and religious differences."

³²² A. F. McWhinnie, Supervising Principal, Lakehead Inspectorate, Room and Board, 1965 ca [FBH-002916]. 401/25-8 Volume 5 Jan-Dec 65 INAC-HQ.

³²³ Agence Indienne d'Abitibi, re: Pensions pour étudiants (tes) indien(nes), 1965 ca. [PBQ-000530[01-01]]. RG 10, Accession 2006-00588-X, Box 18, File 371/25-8 Part 4 Library and Archives Canada.

³²⁴ Western Manitoba Education District Guidance Counsellors Workshop, December 9-11, 1968 [NEL-001840]. 511/25-17, Vol. 3, 09/09/1968-11/19/1969, Indian Education – Pupil Guidance, Perm. Vol. 13676, F.A. 10-158, LAC – Winnipeg.

- Evidence that the family and specifically the mother was prepared for the responsibilities of an additional child.
- Evidence that the parents were “able to maintain their objectivity when disciplinary problems arise. Corporal punishment must not be used.”
- Confidence that the parents would encourage contact and visits with the child’s parents.
- A quiet place for study.
- Well-balanced, sufficient and nutritious meals.
- Adequate sleeping arrangements meeting provincial or municipal standards.
- Adequate heating, lighting and ventilation.
- Sewage and waste disposal systems meeting local standards.
- Clean drinking water.
- Chest x-rays of all people in the home over the age of 16, with the possibility of complete medical examinations if required by provincial or municipal regulations.³²⁵

The 1970 program guidelines called for “preliminary placement” of students in June and finalization of placements in August.³²⁶

A report on District of Abitibi (Quebec) activities by the Education Counsellor dated July 1971 notes that some boarding homes would no longer be used, because they had more homes than students and therefore had more flexibility to reject certain homes. For the same reason, the grouping of three or four students in the same home was also eliminated. The counsellor noted that this grouping was economical, but had the effect of reducing student integration into the boarding family. Two boarding homes still had three students each, but this was at the explicit request of the parents.³²⁷

³²⁵ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, pp. 15-16]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

³²⁶ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, pp. 22-23]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

³²⁷ Raymond Delamarre, Education, Counsellor, Abitibi, Rapport des activités, July 1971 [PBQ-002246[01-01]]. RG 10, Accession 2002-00101-4, Box 66, File 301/23-3 Part 6 From Jan 71 to Oct 71 Library and Archives Canada.

2. Recruitment Strategies

Recruitment of new boarding home operators often depended on word of mouth, either through schools or religious organizations.³²⁸ The first record of an advertisement soliciting boarding home applications found to date is a classified ad Indian Affairs placed in a Yukon newspaper in October 1964, seeking boarding homes for students in vocational training programs.³²⁹ Together with a radio appeal, this was apparently very successful.³³⁰

By 1967, there was a general shortage of boarding homes. At a meeting with the heads of Indian residential schools, the Minister of Indian Affairs asked “Canadian” families to open their homes to Indian students requiring boarding homes:

“I am appealing to the motherly instinct in Canadian women, to the fatherly instinct in Canadian men,” Mr. Laing said. “I ask experienced parents to make a home for a student from the wilderness for the school year.”³³¹

The Minister’s speech was published in newspaper articles such as “Make Home for Indians Appeal,” “Indian Homes Sought,” and “Families urged to take in Indians.”³³² Some agencies also appear to have taken out newspaper advertisements.³³³

³²⁸ See for example Ann Fortes, Port Arthur, to the Department of Indian Affairs, July 20, 1965 [FBH-002917[00-01]]. 401/25-8 Volume 5 Jan-Dec 65 INAC-HQ.

³²⁹ Invoice, Whitehorse News-Advertiser, October 2, 1964 [VAN-055158]. 25-8, Pt. 12, 05/01/1964-11/05/1964, Ed. Asst. – Tuition, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

³³⁰ V. R. Friesen, Special Vocational Guidance Counsellor, to Regional Superintendent of Indian Schools, Vancouver, October 5, 1964 [VAN-045583, p. 3]. 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

³³¹ “Make Home for Indian Appeal,” March 1967 ca., n.d. [FBH-007655[02-02]]. RG 10 Accession 1999-01431-6 Box 68 File 1/25-8-18 Part 1 Library and Archives Canada.

³³² “Indian Homes Sought,” March 25, 1967 ca., n.d. [FBH-007641]. RG 10 Accession 1999-01431-6 Box 68 File 1/25-8-18 Part 1 Library and Archives Canada; and “Families urged to take in Indians,” *Sherbrooke Daily Record*, March 16, 1967 [FBH-007634]. RG 10 Accession 1999-01431-6 Box 68 File 1/25-8-18 Part 1 Library and Archives Canada. Both these articles contained similar, perhaps identical, text to that found in the article “Make Home for Indians Appeal” cited above. While there are records of responses to this appeal, it is unclear if any resulted in actual boarding home placements.

³³³ See for example Questionnaire re Boarding Home Placement, May 16, 1967 [VAN-030044, p. 1]. 701/25-17, Pt. 3, 09/01/1966-05/31/1969, Pupil guidance, Acc. 1985-86/137, Box 20, F.A. 10-135, LAC-Ottawa; and V. S. Devashayam, Education Counsellor, Prince Albert District, to the Prince Albert Daily Herald, July 9, 1973 [VAN-047649]; and July 19, 1973 [VAN-047648]. Both in 672/25-14, Pt. 1, 01/04/1973-10/16/1973, High School Education, Acc. 1996-97/356, Box 9, F.A. 10-452, LAC-Ottawa.

Correspondence from the summer of 1970 suggests that there remained a shortage of boarding homes for children from northern areas, although in 1971 Abitibi reported a surplus of homes available.³³⁴

Writing in 1969, one operator in the Kamloops area described how she was approached by DIAND to take boarding students; while she had fostered children for over ten years previously, after a period of illness she had decided not to take any more placements:

I told him I hadn't been well and thought I'd done my share. However, he came back several weeks later and asked me to take two teenage girls that would look after themselves and help me as well. So I was talked into it.³³⁵

The 1970 boarding home program guidelines explained that potential boarding home operators generally applied to the Department in response to newspaper and radio advertisements, announcements at “educational, social or religious meetings,” or direct approach. The recruitment of boarding home operators was one of the responsibilities of counsellors.³³⁶

The Anglican Church organized a small number of boarding home placements in 1969-70, but by the spring the boarding home operators told a DIAND counsellor that they had been “left to fend for themselves” and had no information on whether the program would be continued.³³⁷ In September 1976, the Superintendent of Vocational Education, Indian and Northern Affairs reported “an urgent demand for Boarding Homes for Inuit (Eskimo) students in Ottawa.”³³⁸ The Department made an appeal to the Anglican Church for assistance recruiting boarding homes in Ottawa because “over 95% of the Inuit students that came to Ottawa are Anglicans.” DIAND had placed advertisements in

³³⁴ Ralph Ritcey, Superintendent of Vocational Education, to J. R. Witty, Supervisor of Vocational Programs, N.W.T., July 28, 1970 [ISP-099044]. Accession G-1999-048 Box 289 File 75-073-000 Vol 1 October 1969-December 1972 Prince of Wales Northern Heritage Centre – NWT Archives; and Raymond Delamarre, Education, Counsellor, Abitibi, Rapport des activités, July 1971 [PBQ-002246[01-01]]. RG 10, Accession 2002-00101-4, Box 66, File 301/23-3 Part 6 From Jan 71 to Oct 71 Library and Archives Canada.

³³⁵ Lydia Clarkson, Cobble Hill, B.C., to [Mr. Marchand, MP], January 27, 1969 [FBH-000061]. 1/25-8-18 Vol 3 May 1970-Feb 1969 INAC – NCR Region.

³³⁶ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa. See pp. 15 and 20.

³³⁷ G. L. Reddick, Vocational Counsellor, to R. Ritcey, March 20, 1970 [ISP-000256]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 1 LAC.

³³⁸ Ralph Ritcey, Superintendent of Vocational Education, re: Boarding Homes for Inuit Students, September 7, 1976 [ISP-003075]. N-5100-2 Vol 4 4/76-11/76 INAC – Archival Unit.

local newspapers, but received few responses, so it reached out to the Anglican Church, “pleading for your assistance.”³³⁹ The students were entering Grade 9 and 10 and had not previously lived in southern Canada.³⁴⁰

In May 1972, a Guidance Councillor in the Blood/Peigan District in Alberta printed an advertisement to be placed in church bulletins seeking boarding home placements with non-Indian families for children between the ages of 14 and 20.³⁴¹

A Superintendent of Education in Manitoba reported in 1981 that he intended to have staff undertake “a door to door survey for home placement,” in order to identify potential boarding homes before students arrived in September, “instead of looking for homes as the need arises.” He also suggested that this survey would help clear up misunderstandings about the Boarding Home Program.³⁴²

3. Placements in Indigenous Boarding Homes

A circular issued in the B.C. Region in 1958 stated, “we have no objection to students boarding with friends or relatives providing the homes meet with our approval.”³⁴³ In 1961, however, the Indian Commissioner for B.C. specified that, in the Lower Mainland area at least, the Indian Affairs Branch sought “suitable non-Indian homes,” which was viewed as a key requirement to achieve the goal of integration.³⁴⁴ This was not the practice in Saskatchewan, where staff stated that it would be their preference to place children in Indigenous home, although they reported that they had placed “several” children in Indigenous boarding homes, using “almost all available homes.” They also expressed concerns that “most Agency Superintendents report difficulties in assessing foster homes and in supervising placements.”³⁴⁵ Another report confirms that at least

³³⁹ Ralph Ritcey, Superintendent of Vocational Education, to George Thompson and D. R. MacNeill, June 11, 1976 [ISP-003139]; and Ritcey to G. L. Thompson, ACND Secretariat, June 24, 1976 [ISP-003126]. Both in N-5100-2 Vol 4 4/76-11/76 INAC – Archival Unit.

³⁴⁰ Ralph Ritcey, Superintendent of Vocational Education, to Canon E. Lackey, Anglican Diocesan Office, June 7, 1976 [ISP-003143]. N-5100-2 Vol 4 4/76-11/76 INAC – Archival Unit.

³⁴¹ Paul Van Cleve, Guidance Counsellor, Blood/Peigan District, Alberta, May 15, 1972 [VAN-045065]. 773/25-8, Pt. 4, 01/01/1971-07/31/1972, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

³⁴² Phil Green, Superintendent of Education – Comprehensive/Progress Report – October 2, 1981 [WIN-077531, p. 14]. LAC (WFRC) RG10 ACC. W-2001-00939-9 BOX 23 FILE WIN-E-4700-2164 PT. 3 (JANUARY 1981 TO DECEMBER 1982).

³⁴³ Tuition Grants – Specialized Training-Senior Students, June 17, 1958 [VAN-045350]. 25-8, Pt. 3, 07/01/1957-01/31/1958, Tuition grants, Acc. 1989-90/101, Box 41, F.A. 10-151, LAC-Vancouver.

³⁴⁴ J. V. Boys, Indian Commissioner for B.C., to Indian Affairs Branch, December 13, 1961 [FBH-002464]. RG 10 Volume 8780 File 901/25-8 Part 3 Library and Archives Canada.

³⁴⁵ “Draft of Policy Governing Placement of Indian Children in Boarding Homes” [FBH-000863[01-02]], attached to Acting Regional Supervisor, Saskatchewan, to Chief, Education Division, November 17,

one Saskatchewan boarding home operator was identified as a Treaty Indian.³⁴⁶ In Manitoba, guidance counsellors were advised to contact on-reserve families that might be considering moving into larger centres to see if they would be interested in boarding children.³⁴⁷ In the 1970s, students in some regions asked to board with family members.³⁴⁸ One recruitment advertisement seeking boarding home placements in Alberta in 1972 specifically stated that “one of the purposes of the program is to give Indian boys and girls between the ages of 14 and 20 the opportunity of living with a non-Indian family for ten months.”³⁴⁹

4. Specific Requirements

The 1960 Indian Student’s Handbook specified that the boarding home should provide students with the following:

- Adequately warm and ventilated place for study.
- Good study lighting and desk or table.
- QUIET – no T.V. or radio noise while they study.
- Comfortable bed and warm blankets.
- Adequate cupboard and drawer space for their clothes.³⁵⁰

The Akaitcho Hall Handbook specified that the boarding home must provide for each student:

1. A bed of his/her own.
2. A desk, table or any other suitable study area appropriate lighting.
3. Easy access to washroom facilities including bath or shower.

1961 [FBH-000863[00-02]]. Both in RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

³⁴⁶ N. J. McLeod, Superintendent, to Regional Supervisor, Saskatchewan, July 25, 1961 [VAN-047683[00-02]]. 114/25-8, 08/14/1961-06/10/1966, BDG homes – tuition, Acc. 1996-97/435, Box 30, F.A. 10-600, LAC-Ottawa.

³⁴⁷ Western Manitoba Education District Guidance Counsellors Workshop, December 9-11, 1968 [NEL-001840]. 511/25-17, Vol. 3, 09/09/1968-11/19/1969, Indian Education – Pupil Guidance, Perm. Vol. 13676, F.A. 10-158, LAC – Winnipeg.

³⁴⁸ See, for example, P. R. Swartman, District Supervisor, Blood/Peigan District, to W. K. Pearson, District Supervisor, Blackfoot/Stony/Sarcee District, June 2, 1972 [VAN-063217]. 772/25-8-8-1, Pt. 4, 10/01/1971-11/30/1972, Educational Assistance – Other Agencies, Acc. 1994-95/653, Box 31, F.A. 10-463, LAC-Ottawa. No response to these requests has been found.

³⁴⁹ Paul Van Cleve, Guidance Counsellor, Blood/Peigan District, Alberta, May 15, 1972 [VAN-045065]. 773/25-8, Pt. 4, 01/01/1971-07/31/1972, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

³⁵⁰ Indian Student’s Handbook, 1960 ca. [VAN-047749, p. 6]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

4. Regular balanced meals – lunch is provided at Akaitcho Hall.
5. Access to laundry facilities.
6. Closet and/or cupboard space for clothing and other personal belongings.
7. Easy access to Sir John Franklin School by bus or on foot.³⁵¹

In 1968, a guidance counsellor in Manitoba reported that some students had rooms in cellars, they were treated as members of family, had access to the house, and that some of the placements in cellar rooms were providing excellent care and guidance.³⁵² At a training session later that year, Manitoba guidance counsellors were advised that children could be boarded in basement rooms as long as they had access to the whole house.³⁵³

The 1970 program guidelines included a recommendation from the Department's Legal Advisor to obtain a written agreement from the boarding home operator.³⁵⁴

Guidelines for the Vancouver program updated for the 1979-80 year noted that students should be paid for any babysitting.³⁵⁵

A handbook for the Ontario program written in 1988 listed what the boarding home should provide:

- Well balanced and nutritious meals and snacks
- Adequate lunch for school
- Comfortable bed and warm blankets
- Adequately warm and ventilated place for study
- Quiet and well-lit study area

³⁵¹ Akaitcho Hall Boarding Home Program [AHU-002895, p. 2]. Akaitcho Hall Misc. [Handbook], 1987-1992 Transfer No. 1530, Box 18 Government of Northwest Territories – Education, Culture and Employment.

³⁵² James R. Wright, Guidance Counsellor, Dauphin, to Dr. Lorne Jonat, Medical Director, January 10, 1968 [VAN-046190]. 511/25-8-310, Pt. 1, 01/10/1968-09/16/1969, Indian Education – Educational Assistance – Dauphin, Perm. Vol. 13668, F.A. 10-158, LAC-Winnipeg.

³⁵³ Western Manitoba Education District Guidance Counsellors Workshop, December 9-11, 1968 [NEL-001840]. 511/25-17, Vol. 3, 09/09/1968-11/19/1969, Indian Education – Pupil Guidance, Perm. Vol. 13676, F.A. 10-158, LAC – Winnipeg.

³⁵⁴ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, p. 17]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

³⁵⁵ Guidelines Boarding Home Program – 1979-80 – Vancouver District – Department of Indian Affairs, September 1979 [VAN-030062[01-01]]. 801/25-8, Pt. 22, 02/01/1979-04/30/1980, Education assistance – General, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

- Adequate cupboard and drawer space for clothing, books and personal belongings
- Adequate bedroom space.³⁵⁶

The handbook noted that the space must not be overcrowded, that students' privacy should be respected, and that the student's parents should be welcomed into the house. While students could be given "chores," any other work they did should be paid.³⁵⁷

3. Identification of Eligible Students

Indian Affairs selected students for boarding homes based on academic potential as well as other considerations. Eligibility for funding was based primarily on the family's financial need.

1. General Eligibility

In December 1963, the Indian Commissioner for B.C. circulated a booklet "for the information of boarding home parents," although since there were limited copies, the Commissioner advised Agency Superintendents and School District Superintendents to use it for reference only, "when interviewing prospective applicants for educational assistance." The Superintendents were advised to "ensure that students have a complete medical examination prior to their entering a boarding home arrangement. This would include the examination of eyes as well as the teeth."³⁵⁸ The booklet explained that the Boarding Home Program was intended to supplement residential schools and allow students from isolated communities without a local high school "to obtain a high school education while living under supervision in selected boarding homes."³⁵⁹ To be eligible for the program, students must be recommended both by a district school superintendent and their agency superintendent, which required that they "must be of good character and must have worked well in school."³⁶⁰

³⁵⁶ Native Students' Handbook [Boarding Home Program], September 21, 1988 [FBH-000140, p. 5]. 4906-1 Vol 1 05-88-8/91 INAC – ON Region.

³⁵⁷ Native Students' Handbook [Boarding Home Program], September 21, 1988 [FBH-000140, p. 6]. 4906-1 Vol 1 05-88-8/91 INAC – ON Region.

³⁵⁸ J. V. Boys, Indian Commissioner for B.C., to all Superintendents – Indian Agencies and District Superintendents of Indian Schools, December 10, 1963 [250637]. LAC Burnaby v8485/316, File 988/25-8C, 51(500349), 1961-1966.

³⁵⁹ "Purpose of the Boarding Program," December 1963 ca. [250637A, p. 1]. LAC Burnaby v8485/316, File 988/25-8C, 51(500349), 1961-1966.

³⁶⁰ "Purpose of the Boarding Program," December 1963 ca. [250637A, pp. 2-3]. LAC Burnaby v8485/316, File 988/25-8C, 51(500349), 1961-1966.

Students were required to provide their most recent report card and arrive with appropriate clothing, provided by their parents. Although the booklet stated that students and their families were expected to arrange transportation to the city or town, Agency superintendents could assist with paying for the cost; it also recommended that the Agency superintendent should make the arrangements to ensure that the boarding home operators could meet the student on arrival. While students were “usually” met on arrival, if there was no one to meet them they were advised to report to the ticket counter and wait. If students wanted to return home at Christmas or Easter, they must arrange return transportation and advise the boarding parents of their exact timetable.³⁶¹

New guidelines for Indian student residences in 1968 included instructions for determining whether a student should be boarded in a residence or a private home. For students up to 14 years old (Categories 1 to 4), private homes were not suggested as an option, but for students 15 and older (Categories 3 to 6), student residences were to be preferred if the child required “a gradual orientation to urban living,” such as a child coming from “a relatively closed reserve culture” (Category 5), or if no “suitable” boarding home was available (Category 6).³⁶²

A committee established to review the policy on student residences and private boarding home placements expressed concern that Category 5 could be “abused” and that care should be taken that a student admitted to a residence for a year before moving to a boarding home did not remain at the residence or hostel. Similarly, the committee expressed concern that the term “suitable” in Category 6 could be used as “an escape for placing students elsewhere.”³⁶³

The 1970 guidelines on the Boarding Home Program listed five reasons that a boarding home placement would be funded:

- The student’s home was isolated.
- The student had a disability preventing daily commuting but “slight enough to allow him to participate in a regular school program,” as determined by a medical professional.

³⁶¹ “Purpose of the Boarding Program,” December 1963 ca. [250637A, pp. 3-5]. LAC Burnaby v8485/316, File 988/25-8C, 51(500349), 1961-1966.

³⁶² Admissions policy for Indian Student Residences, May 28, 1968 [014596A, pp. 3; 5]. File 1/25-2, Vol. 4, 10/1961-04/1970.

³⁶³ Reporting of Meeting on Field Organization for the Administration and Supervision of the Student Residences and Private Home Placement, October 17, 1968 [NEL-001070[01-03], p. 3]. 1/25-8, Vol. 11, 00/00/1968-00/00/1969, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

- The recommended school program was not available in the home community.
- The student required a move for educational reasons, “because there are serious problems for the student in the home, the school, or the community, which have demonstrated adverse effects on the student’s educational progress. This does not include those students who require care by the Children’s Aid Society or other child welfare agencies.” [emphasis in original]
- The parents were migratory for at least 12 consecutive weeks per year.³⁶⁴

A report on the Boarding Home Program in 1970 listed five reasons students were placed in boarding homes:

- I. Distance from school offering required course
- II. Parents trapping
- III. Overcrowding at home – no place to study
- IV. Need for readily available medical attention
- V. Orphaned³⁶⁵

A guide for guidance counsellors in Saskatchewan written in 1971 recommended discussing the option of boarding home placement directly with students:

Where there is a choice it might be worthwhile to discuss the relative merits of boarding versus commuting well before the time of actual registration to make sure students fully realize the problems of each so they can better decide which is best for them. Too often students feel that going on Educational Assistance in the city is a much desired goal and do not realize accompanying problems.³⁶⁶

In May 1971, the Home-School Coordinator in Cranbrook, B.C., reported that she had added several children to the Boarding Home Program to remove them from homes where they were suffering physical abuse.³⁶⁷

³⁶⁴ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, p. 14]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

³⁶⁵ This information is found in multiple reports on the different regions. See for example, Report – Education Program (Quebec), July 1970 [NCA-013848, p. 87]. RG22, Vol. 802, File 6-21-1, pt. 6, Enclosure Library and Archives Canada.

³⁶⁶ Counsellors' Guide for All Saskatchewan Region Guidance Counsellors, April 30, 1971 [RCS-000484, p. 9]. GRS Files, Box 10A, File 8 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

³⁶⁷ Patricia Wright, Home-School Coordinator, Cranbrook District, to J. D. MacDonald, District Superintendent of Education, May 12, 1971 [VAN-079120]. 25-1-982, 01/01/1970-12/31/1973,

A report on education services for the Lesser Slave Lake region of Alberta, written in 1982, found that the Boarding Home Program was generally used where the student's home community did not offer the grade level required, usually high school. In some cases, however, children were placed in boarding homes even if the community had a complete K-12 education program: "This would be done for social reasons, like a family breakdown, no existing guardians, or if the local school recommends a placement to improve the child's educational advancement."³⁶⁸ Of the 42 students placed in boarding homes for the 1981-82 year, two were placed for medical reasons and four were for "social/educational reasons."³⁶⁹ Note that this program was directed by a Regional Council.

Information on the Thunder Bay District education program for 1983 suggested that the initial identification of students requiring high school placements was made by education staff, dependent on parental consent. Counsellors then met with parents and students to discuss school services, the Boarding Home Program, and administrative requirements. Counsellors were encouraged to arrange for students to visit the boarding home in advance of their move and to follow up on the placement.³⁷⁰

New guidelines issued in May 1986 identified four criteria for eligibility:

1. Lack of "suitable education program" in the home community: intended to allow students with proven exceptional abilities to attend specialized programs such as professional hockey training.
2. Medical reasons: the example provided is severe motion sickness preventing a child from riding in a school bus.
3. Disciplinary reasons: the guidelines state that if a student is expelled for disciplinary reason, the counsellor should attempt to have the student placed again, but if unsuccessful the student should take correspondence courses.

Indian Education – Kootenay – Okanagan, Acc. 1996-97/816, Box 31, F.A. 10-189, LAC-Vancouver. These children are listed on the return of Boarding Home Students for May 1971 [VAN-061314]. 25-8-982, 01/01/1973-12/31/1973, Educational Assistance – Kootenay – Okanagan, Acc. 1996-97/816, Box 42, F.A. 10-189, LAC-Vancouver.

³⁶⁸ Lesser Slave Lake Indian Regional Council, Education Division "Annual Operating Report 1981-82" [LBS-000017, p. 6]. File 4700-D34, Vol 1, RCAP, Resolution and Individual Affairs Sector [formerly IRSRC].

³⁶⁹ Lesser Slave Lake Indian Regional Council, Education Division "Annual Operating Report 1981-82" [LBS-000017, p. 10]. File 4700-D34, Vol 1, RCAP, Resolution and Individual Affairs Sector [formerly IRSRC].

³⁷⁰ Student/Parent Orientation, July 14, 1985 [FBH008112]. THU-E 4785-2 Volume 1 Part 1 May/81 – May/86 INAC Ontario Region.

4. Social reasons: resulting from identification as a ward of the court. “In these cases, Social Services will pick up the costs within their program mandate.”³⁷¹

In the B.C. Region, students were considered eligible only if they had “special learning abilities or disabilities” that required access to a program that was not available in the home community.³⁷² Nationally, however, the 1971 guidelines still applied as of 1989.³⁷³

2. Eligibility in Northern Regions³⁷⁴

In northern areas, boarding homes were being used around 1959 as “a short-term arrangement” to keep children in school while their parents were away trapping. This program was discussed at a Regional Supervisors’ Conference held in January 1959. It was noted that boarding children with families on the reserves would be less expensive than sending them to residential schools, allow the children to remain in a home setting, and would not require parents to commit to a full ten months of boarding their children away from home. In some cases, children could be boarded in homes on their own reserves, as was already being done in the N.W.T. to allow for short-term boarding while parents were away trapping. It was stressed that there should be no competition between boarders and foster home candidates and that boarding homes should be chosen with the assistance of the social worker. Teachers would be tasked with regular supervision of the boarding home placements.³⁷⁵

Around the same time, the Band Chief at Nelson House, Manitoba, asked to have a Protestant residential school established near the reserve because many people in the community found they could not go trapping while their children were attending

³⁷¹ R. E. Pinney, Acting Regional Manager of Education, Indian & Inuit Affairs – Atlantic, to C. I. MacLennan, District Superintendent of Education, New Brunswick District Office, May 28, 1986 [FBH-000414[01-01]]. E-4785-2-1 Vol 1 11/84-8/2007 INAC – Atlantic Region.

³⁷² Program Administration – INAC Education Program – British Columbia Region – Administrative Handbook, March 31, 1988 (Ottawa: Indian and Northern Affairs Canada, 1988). http://publications.gc.ca/collections/collection_2018/aanc-inac/R44-157-1988-eng.pdf INAC-HQ [FBH-000031, p. 119].

³⁷³ Joe McNeil, Acting Director of Education, Indian and Northern Affairs Program, Atlantic Region, April 12, 1989 [FBH-000440[00-05]]. E-4906-1 Vol 1 86/06 INAC – Atlantic Region.

³⁷⁴ “Northern Regions” corresponded to areas where some Indian families were making a living by trapping during two to three months each year, e.g., Northern Ontario and Northern Manitoba. In that particular case, the issue raised concerned the placement of Indian children of the Nelson House area, in Northern Manitoba.

³⁷⁵ “Excerpt from Regional Supervisors’ Conference,” January 1959 [NEL-000733[03-05]]. 128/25-1, Indian Education – General, 06/1958-11/1960, Locator 409-M-11 Resolution and Individual Affairs Sector, AANDC. The title and date of this document are taken from information in NEL-000733[00-05]].

school.³⁷⁶ By this time, Indian Affairs was moving away from the establishment of new residential schools; also, the Regional Inspector of Schools for Manitoba protested that “we do not take students into the Residential School just to permit the parents to go on the trap line.”³⁷⁷ Instead, it was proposed that the students could be boarded with families that stayed in the settlement while the parents were away trapping. The boarding home families would be paid \$1.00 per day. Another Regional Inspector of Schools suggested that the homes would have to be carefully selected and regularly checked, so that “homes could receive a rating which could be further improved through competition among the Indians to benefit from the income to the home.”³⁷⁸

The Manitoba Regional Inspector agreed that this proposal had merit, but expressed concerns based on previous experience:

In general, the arrangement whereby children of trappers are to be kept by other parents residing on the reserve, during trapping time, so that these children can continue to attend school has merit and may be a solution to a ticklish problem.

In Shamattawa, this system was tried out but the “keeping” families were not paid a dollar a day instead they were given extra rations. Unfortunately the arrangement did not work too well, it seems that the “keeping” parents were more interested in using their charges as servants and at the same time not giving them their fair share of the rations.

It may be that the “keeping” parents were not chosen carefully enough but there again the choice is very limited. It must be remembered that the good or better Indians are anxious to go on the trapline, those who remain on the reserve are not the best type.

³⁷⁶ R. D. Ragan, Regional Supervisor, to G. H. Marcoux, Regional School Inspector, February 19, 1959 [NEL-000733[01-05]]. 128/25-1, Indian Education – General, 06/1958-11/1960, Locator 409-M-11 Resolution and Individual Affairs Sector, AANDC.

³⁷⁷ G. H. Marcoux, Regional Inspector of Indian Schools for Manitoba, to R. G. Ragan, Regional Supervisor, March 3, 1959 [NEL-000733[02-05]]. 128/25-1, Indian Education – General, 06/1958-11/1960, Locator 409-M-11 Resolution and Individual Affairs Sector, AANDC.

³⁷⁸ J. Slobodzian, Regional Inspector of Indian Schools, to A. G. Leslie, Acting Regional Supervisor, Manitoba, April 2, 1959 [NEL-000733[04-05]]. 128/25-1, Indian Education – General, 06/1958-11/1960, Locator 409-M-11 Resolution and Individual Affairs Sector, AANDC.

I would like to see the arrangement tried again on some other reserves but the choice of keeping parents must be made very carefully and strict supervision must be exercised.³⁷⁹

A. G. Leslie, Acting Regional Supervisor for the Manitoba Region, took the proposal to Headquarters and was encouraged to pursue it. Leslie instructed the Superintendent for the Pas Agency to advise the Chief of the Nelson House Band that no new residential school would be built and suggested, “I will leave it to your good judgment, as you may be able to contrive, that the idea of placing children in carefully selected homes would seem to have originated with the Indians themselves.” He stressed that the Regional Supervisor would need to coordinate with the social worker, “since this is in large measure a welfare matter.”³⁸⁰

In the N.W.T., Indian Affairs focused on families where the parents were away less than 60 days, since the Administration Branch exercised what was known as the “60-day rule” to determine whether children should be sent to a hostel. It was proposed to issue a directive stating that, where hostels existed, boarding homes should be used only in cases where parents were away from the community for part of the school year, but less than 60 days.³⁸¹ A follow-up letter suggested that the eligibility was extended to children whose parents were away for two or three months.³⁸² Children from Fort Severn were boarded in private homes in Sioux Lookout. Davey stated that an allowance of \$1 per day was paid for their board.³⁸³

By 1962, eligibility for the program in the N.W.T. was understood somewhat differently. The Akaitcho Hall Boarding Home Program guidelines stipulated that students with disciplinary issues would not be considered, and that the program was considered to be

³⁷⁹ G. H. Marcoux, Regional Inspector of Indian Schools for Manitoba, April 3, 1959 [NEL-000733[05-05]]. 128/25-1, Indian Education – General, 06/1958-11/1960, Locator 409-M-11 Resolution and Individual Affairs Sector, AANDC.

³⁸⁰ A. G. Leslie, Acting Regional Superintendent of Indian Agencies, Manitoba, to J. R. Bell, Superintendent, the Pas Agency, April 3, 1959 [NEL-000733[00-05]]. 128/25-1, Indian Education – General, 06/1958-11/1960, Locator 409-M-11 Resolution and Individual Affairs Sector, AANDC.

³⁸¹ J. V. Jacobson, Acting Chief, Northern Administration Branch, Memorandum for Mr. R. A. J. Phillips, October 5, 1959 [RCN-005880]. RG85, Perm. Vol. 1338, File 600-1-1, pt. 15, Education – Schools, N.W.T. [General and Policy File] September 1959 – August 1960, F.A. 85-4 Library and Archives Canada – Ottawa.

³⁸² J. V. Jacobson, Acting Chief, Northern Administration Branch, Memorandum, December 1960 ca. [QDS-002182]. RG85, File 600-1-5, Vol 1261, Pt 1, LAC.

³⁸³ DIAND. Plenary Meeting General Subject, January 15, 1959 [254978d, p. 6]. FA 10-138, Perm. Vol. 13351, 901/1-2-2-32, Conferences – Regional Directors, Part 1, Folder 2 of 2, 1958/12-1970/10, NAC – Burnaby.

“a privilege for responsible students who are well behaved and will benefit academically from a less restricted living environment.”³⁸⁴

In 1965, Davey described a practice of sending “post-elementary” students from Northern Quebec and the N.W.T. to private boarding homes in cities in the south, “where they may hope to find employment on graduation.”³⁸⁵

3. Age and Grade Level

Some of the earliest examples of the use of private boarding homes involve young children. Correspondence in the Atlantic Region in 1954 refers to “exceptional cases” in which Grade 8 students could be boarded, and in at least one case a seven-year-old child in Grade 2 was placed in a private boarding home for the 1954-55 year.³⁸⁶ A letter dated December 1961 lists 18 children at boarding homes in Saskatchewan who were considered “too young to travel alone.”³⁸⁷ A letter discussing standards for boarding homes in Edmonton advised, “children from 12 to 16 years of age have to be completely socialized and require more training and care and supervision than those over 16, as many are in urban homes for the first time.”³⁸⁸ In particular the boarding home operators would be expected to teach the children “respect for other people’s property ... study habits ... constructive recreational activities” and to provide “more home nursing ... more washing, especially boys” and the adjustment and alteration of clothes. Laundry costs would be covered for “junior girls” and all boys.³⁸⁹

³⁸⁴ Akaitcho Hall Boarding Home Program [AHU-002895, p. 1]. Akaitcho Hall Misc. [Handbook], 1987-1992 Transfer No. 1530, Box 18 Government of Northwest Territories – Education, Culture and Employment.

³⁸⁵ R. F. Davey, Director of Education Services, Indian Affairs, to B. Thorsteinsson, Chief, Education Division, Northern Administration Branch, December 29, 1965 [ISP-01830 – not in FBH database]. LAC RG 10-B-3 BAN No. 2003-02042-X Box 2 File 1/25-1 Pt. 15.

³⁸⁶ E. B. McKinnon, Regional Supervisor of Indian Agencies, to E. J. Blakey, Superintendent, Indian Agency, July 27, 1954 [FBH-001578]; and V. J. Caissie, Acting Superintendent, Miramichi Agency, to Indian Affairs Branch, September 28, 1954 [FBH-001577]. Both in RG 10 Volume 8955 File 55/25-8 Part 1 Library and Archives Canada. Three children in the Miramichi Indian Agency, who were entering Grades 3, 4, and 6 in September 1959, had reportedly been boarding for “several years.” Blakey to Indian Affairs Branch, July 6, 1959 [FBH-001413]. RG 10 Volume 8871 File 55/25-8 Part 5 Library and Archives Canada.

³⁸⁷ K. J. Gavigan, Acting Regional Supervisor of Indian Agencies, Saskatchewan Region, to Superintendent Woodsworth, December 6, 1961 [VAN-063079]. 25-8, Pt. 28, 08/1960-02/1962, Educational Assistance, Acc. 1996-97/451, Box 9, F.A. 10-444, LAC-Ottawa.

³⁸⁸ Supervisor of Indian Students, Edmonton, November 27, 1961 [VAN-030031, p. 3]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

³⁸⁹ Supervisor of Indian Students, Edmonton, November 27, 1961 [VAN-030031, p. 3]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

The 1960 Indian Student's Handbook included instructions for all grade levels.³⁹⁰ In November 1961, the Regional Supervisor in Saskatchewan reported on a meeting with the Manitoba Region and the Director of Education, at which "concern was ... expressed over the fact that so many children under the age of 16 had been placed in private homes off reserves." At this meeting, it was "tentatively decided that, if possible, no children under the age of 16 would be placed in private homes except for high school purposes."³⁹¹

Responding to the 1962 Circular No. 345 which, as discussed in Section 4.1.3 above, asked the Regions to limit boarding home placements to students 16 years or older "unless absolutely necessary,"³⁹² the Winnipeg Regional Office stated that there would be a gradual reduction in placements of students under 16 years of age until they were "entirely eliminated except for genuine welfare cases."³⁹³ The Indian Commissioner for B.C. was informed that children under the age of 16 were to be placed by "a Child Placing Agent [...] instead of us," except in cases where children under the age of 16 required a boarding home placement to attend high school.³⁹⁴

In Saskatchewan, however, Regional Headquarters informed Agency Superintendents that they should interpret this directive to apply only to elementary school students. Students in Grades 9 to 12, regardless of their age, should be placed in private boarding homes. One group of children in southern Saskatchewan identified as "the United Church children" were to be transferred to the Welfare Division. Since the Branch had paid the Province for school spaces in Prince Albert that had not been used, Superintendents were encouraged to consider private boarding home placements in Prince Albert.³⁹⁵

³⁹⁰ Indian Student's Handbook, 1960 ca. [VAN-047749, p. 4]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

³⁹¹ K. J. Gavigan, Acting Regional Director, Saskatchewan, to the Chief, Education Division, November 17, 1961 [FBH-000863[00-02]]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

³⁹² "Educational Assistance," Circular No. 345, February 12, 1962 [FBH-001517]. RG 10 Volume 8871 File 55/25-8 Part 8 Library and Archives Canada.

³⁹³ [Illegible] for A. G. Leslie, Winnipeg Regional Office, to Indian Affairs Branch, March 21, 1962 [NRD-001544, p. 1]. RG10, Vol. 8770, File 1/25-8, pt. 6 Library and Archives Canada.

³⁹⁴ R. F. Davey, Chief, Education Division, to the Indian Commissioner of B.C., April 6, 1962 [VAN-020180[01-02]]. 901/25-8, Pt. 2 [Folder 2], 03/01/1962-10/31/1962, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver.

³⁹⁵ J. Brennan, Acting Regional Supervisor for Saskatchewan, to all Agency Superintendents, May 29, 1962 [VAN-047686]. 121/25-8, Pt. 4, 04/09/1962-03/11/1963, Tuition grants, Acc. 1996-97/435, Box 33, F.A. 10-600, LAC-Ottawa.

A follow-up to Circular No. 345 discussed the question of children “being cared for apart from their homes at Departmental expense for Welfare or Educational purposes” from the perspective of ensuring equitable funding across different regions and for children in various types of care. Regional offices were directed to ensure that students under the age of 16 who were in private care were either moved to residential schools or returned to their homes by September 1962, although the circular allowed for the possibility that some children under the age of 16 would require boarding home placements for educational purposes. Arrangements for children under the age of 16 who required care in a private home for welfare reasons should be made by welfare authorities, not education authorities.³⁹⁶

Amendments to the IAB Field Manual in March 1963 stipulated that students under 16 should not be placed in boarding homes “unless absolutely necessary.”³⁹⁷

Table 1: Records of Elementary and Under-16 Students in Boarding Homes

Year	Region	Elementary Students	Students Under 16
1963-1964	Saskatchewan	12 ³⁹⁸	
1968-1969	Saskatchewan	119 ³⁹⁹	
1971-1972	British Columbia	9 (Cranbrook area) ⁴⁰⁰	
1978-1979	Yukon	5 (September); 3 (May) ⁴⁰¹	
1961-1962	British Columbia		2+ ⁴⁰²

³⁹⁶ Circular No. 384, “Policy Re Placement of Indian Children in Private Homes, Residential Schools, and Other Institutions,” July 3, 1962 [VAN-020015[01-02]. 25-8C, 01/01/1961-12/31/1966, Educational assistance – Circulars, Acc. 1984-85/316, Box 51, F.A. 10-136, LAC-Vancouver.

³⁹⁷ DIAND, *Indian Affairs Branch Field Manual*, Amendment No. 86, March 1963 (Ottawa: DIAND) [BHR-003009, unpaginated (p. 28 of the pdf)].

³⁹⁸ J. G. McGilp, Regional Supervisor, Saskatchewan, to Assistant Director, Education, November 28, 1963 [VAN-046795, p. 1]. 601/25-1, NCR-O, Vol. 4, 07/01/1963-05/01/1966, EDUCATION – GENERAL, UNC, NCR 13TH, INAC-Ottawa.

³⁹⁹ N. M. Wasyliw, Counsellor, Education Directorate, Saskatchewan, to District School Superintendent, January 1961 ca. [VAN-047630]. 23-3, Pt. 1, 02/01/1969-01/31/1975, Counsellors Monthly returns, Acc. 1996-97/415, Box 27, F.A. 10-447, LAC-Ottawa.

⁴⁰⁰ J. C. Lawrance, Acting Superintendent of Indian Schools, Thompson River District, to Patricia Wright, Home-School Co-ordinator, Cranbrook, B.C., January 18, 1972 [VAN-061300]. 25-8-982, 01/01/1973-12/31/1973, Educational Assistance – Kootenay – Okanagan, Acc. 1996-97/816, Box 42, F.A. 10-189, LAC-Vancouver.

⁴⁰¹ Bob Sharp, *Rural Students in Urban Schools*, August 31, 1979 [VAN-046045, p. 14]. E4700-1, Pt. 15, 06/15/1979-02/20/1980, General, Acc. 2013-00326-9, Box. 7, F.A. 10-650, LAC-Vancouver.

⁴⁰² J. V. Boys, Indian Commissioner for B.C., to Indian Affairs Branch, December 13, 1961 [FBH-002464]. RG 10 Volume 8780 File 901/25-8 Part 3 Library and Archives Canada. The letter reports that there is only one case in which two or more children under the age of 15 are boarding in the same home.

Year	Region	Elementary Students	Students Under 16
1969-1970	B.C. and Yukon	236	486 ⁴⁰³
1969-1970	Quebec	371	360 (elementary) 112 (secondary) ⁴⁰⁴
1969-1970	Maritimes	18	8 (elementary) 11 (secondary) ⁴⁰⁵
1969-1970	Ontario	165	162 (elementary) 185 (secondary) 24 (auxiliary) ⁴⁰⁶
1969-1970	Manitoba	95	88 (elementary) 125 (secondary) ⁴⁰⁷
1969-1970	Alberta	106	93 (elementary) 80 (secondary) 6 (auxiliary) ⁴⁰⁸
1969-1970	Saskatchewan	84	70 (elementary) 91 (secondary) 15 (auxiliary) ⁴⁰⁹
1970-1971	British Columbia		21 (Cranbrook District only) ⁴¹⁰

⁴⁰³ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Report – Education Program – British Columbia and Yukon (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000027, pp. 94-95].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R44-143-1971-eng.pdf INAC-HQ.

⁴⁰⁴ Report – Education Program (Quebec), July 1970 [NCA-013848, pp. 85-86]. RG22, Vol. 802, File 6-21-1, pt. 6, Enclosure Library and Archives Canada.

⁴⁰⁵ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Report, Education Program, Maritime – Indian-Eskimo Program, Information Centre (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000006, p. 94].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-261-1971-eng.pdf INAC-HQ.

⁴⁰⁶ Report, Education Program, Ontario/Indian-Eskimo Program, Information Center (Ottawa: Department of Indian Affairs and Northern Development, 1971) [PBQ-003176, pp. 87-88].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R44-141-1971-eng.pdf Library and Archives Canada.

⁴⁰⁷ Report, Education program, Manitoba/Indian-Eskimo Program, Information Center (Ottawa: Department of Indian Affairs and Northern Development, 1971) [PBQ-003160, pp. 96-97].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-260-1971-eng.pdf Library and Archives Canada.

⁴⁰⁸ Report, Education program, Alberta/Indian-Eskimo Program, Information Center (Ottawa: Department of Indian Affairs and Northern Development, 1971) [PBQ-003159, pp. 89-90].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-259-1971-eng.pdf Library and Archives Canada.

⁴⁰⁹ Report – Education Program (Saskatchewan), February 1971 [FBH-000005, pp. 92-93].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-258-1971-eng.pdf INAC-HQ.

In a memorandum dated May 8, 1967, R. F. Davey informed Regional and District School Superintendents that the “policy in regards to placing students in boarding homes” was “only those students who are in secondary school or who are over 15 years of age and require boarding accommodation to obtain appropriate education” should be placed in boarding homes.⁴¹¹

Nonetheless, as Table 1 shows, there continued to be exceptions to this general policy. In one case in B.C., for example, a child in Grade 1 was placed in a boarding home for the 1967-68 school year because he was the only child of school age in his community, so school bus transportation had been cancelled.⁴¹² The Regional School Superintendent informed the District School Superintendent that “if the parents are satisfied with the boarding home selected,” and he thought it was a good alternative to a residential school, nothing in the regulations prohibited such a placement.⁴¹³

In February 1969, R. F. Davey asked the Regional Superintendent of Schools for B.C. his opinion about the use of boarding homes for students under 16 and the possibility of placing them in foster homes. The Regional Superintendent recommended that students under 16 should be allowed into the Boarding Home Program in preference to a foster home placement:

... the criterion should be sufficiently flexible so that a child younger than that may be placed in a boarding home if the Counsellor and District School Superintendent involved feel that the child is sufficiently mature, or that the boarding home parents are the type quite capable of caring for a younger child. You may be able to find some suitable foster homes, but foster homes are in such short supply

⁴¹⁰ Patricia Wright, Home-School Coordinator, Boarding Home Students, May 31, 1971 [VAN-061314]; and June 30, 1971 [VAN-061309]. Both in 25-8-982, 01/01/1973-12/31/1973, Educational Assistance – Kootenay – Okanagan, Acc. 1996-97/816, Box 42, F.A. 10-189, LAC-Vancouver.

⁴¹¹ R. F. Davey, Director, Education Services, to Regional and District School Superintendents, May 8, 1967 [VAN-046358]. 577/25-8, Pt. 1, 01/01/1966-01/31/1972, Indian Education – Educational Assistance – General (General Policy and General Correspondence), Acc. 2000-01600-6, Box 21, F.A. 10-573, LAC-Winnipeg. See also Western Manitoba Education District Guidance Counsellors Workshop, December 9-11, 1968 [NEL-001840, p. 3]. 511/25-17, Vol. 3, 09/09/1968-11/19/1969, Indian Education – Pupil Guidance, Perm. Vol. 13676, F.A. 10-158, LAC – Winnipeg.

⁴¹² M. W. Tataryn, District Superintendent of Indian Schools, to R. M. Hall, Regional School Superintendent, October 31, 1967 [VAN-051838[02-03]]. 985/25-8, Pt. 3, 07/01/1965-03/31/1969, Indian Education – Education Assistance, Acc. 2005-00463-4, Box 73, F.A. 10-594, LAC-Vancouver.

⁴¹³ R. M. Hall, Regional School Superintendent, to M. W. Tataryn, District School Superintendent, November 3, 1967 [VAN-051838[00-03]]. 985/25-8, Pt. 3, 07/01/1965-03/31/1969, Indian Education – Education Assistance, Acc. 2005-00463-4, Box 73, F.A. 10-594, LAC-Vancouver.

that many of them are very unsatisfactory and I would not want our students placed in most of them. Also, the foster home is the responsibility of Provincial Welfare and they are doing such a poor job in this area I would hate to contemplate the results of them taking over.⁴¹⁴

As this suggests, the distinction between boarding home and foster home placements is not always clear in the records, particularly in discussions concerning placements for younger children. This issue is discussed further in the next section.

The policy on admissions to residences in place at this time stated that older students should be placed in private boarding homes when possible. In Manitoba, the Western Education District planned to have guidance counsellors interview all students with the aim of finding boarding home placements. Residential school placements were to be preferred for Grade 9 students entering an integrated school for the first time. Students to be considered for boarding homes included students in Grade 8 and up who had previously lived in residences.⁴¹⁵ A second letter stated that students would not be placed in boarding homes “until they have been in residence for at least one year or have completed Grade 9.”⁴¹⁶ A year later, however, a social worker asked why children in elementary or junior high school could not be boarded locally instead of being sent to Dauphin, “where they cannot maintain any kind of realistic contact with their family and relatives.” She named four children specifically, who according to an attached list were entering Grades 1 (one child), 3 (two children) and 9 (one child) that year.⁴¹⁷

In 1973, the President of the Northern Quebec Inuit Association met with students from Ungava Bay who were living in Ottawa. The students expressed dissatisfaction with their boarding home placements, complaining that many of the parents were old and did not

⁴¹⁴ Regional Superintendent of Education, Vancouver, to the Director of Operations, Social Affairs Programme, February 27, 1969 [VAN-020261]. 901/25-8, [Folder 2], 08/01/1968-05/31/1969, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver.

⁴¹⁵ J. R. Wright, District Superintendent of Schools, Western Education District, Dauphin, to Administrators of all Student Residences, All Guidance Counsellors, January 21, 1969 [NEL-001889]. 501/25-8, Vol. 3, 09/01/1967-07/31/1974, Indian Education – Educational Assistance – General, Acc. W1986-87/083, Box 3, F.A. 10-131 LAC – Winnipeg.

⁴¹⁶ J. R. Wright, District Superintendent of Schools, Western Education District, Dauphin, to All Principals and Guidance Counsellors, January 28, 1969 [NEL-002120]. 501/25-2, Pt. 1, 09/01/1968-12/31/1969, Indian Education – Admission and Discharge – Residential Schools, Acc. W1986-87/083, Box 3, F.A. 10-131 LAC – Winnipeg.

⁴¹⁷ Irene Dickman, Social Worker, Churchill District Office, to James Wright, Guidance Office, Dauphin, September 2, 1970 [VAN-046225]. 511/25-17-095-Thompson, Pt. 1, 01/15/1969-06/22/1972, Indian Education – Pupil Guidance – Thompson, Perm. Vol. 13677, F.A. 10-158, LAC-Winnipeg. See also Band: Churchill, August 10, 1970 [VAN-064448]. 511/25-8, Pt. 1, 08/10/1970-08/10/1970, Indian Education – [Student and School Lists by Band Name], Perm. Vol. 13669, F.A. 10-158, LAC-Winnipeg.

understand them. They recommended that younger students be housed together or placed with “a fairly young and understanding family.” They also thought many of the students were too young for the program and that students under the age of 16 should not come south and that Grade 9 should be offered in the communities so that students could stay at home longer.⁴¹⁸

4. Boarding Homes vs. Foster Homes

The records show that some children were placed in the Boarding Home Program as a form of foster care placement. This includes documentation of decisions to place children in the Boarding Home Program because of their home living conditions. For example, in 1955, a 16-year student from Quebec was recommended for placement in a boarding home to attend high school because she was “not well treated at home by her father.”⁴¹⁹ A 16-year-old in Manitoba was recommended in 1956 because “this is a broken up home even before the mother died....” In this case, the Agency Superintendent proposed to have the student board in his own home.⁴²⁰ A 16-year-old Yukon student was recommended to receive funding for room and board to attend a different high school, even though Grade 9 was available in her home community, because “the home conditions are not good.”⁴²¹ A 15-year-old student in Nova Scotia was recommended for room and board funding to attend Grade 9 because she was “the product of a broken home.”⁴²²

Circular No. 67, issued on November 24, 1961, commented that IAB paid different rates for “welfare” placements than for “educational” ones. Regional Supervisors were asked to comment on the advisability of standardizing rates to match provincial or local agencies and whether or not Indian boarding homes should be licensed under provincial

⁴¹⁸ C. W. Watt, President, [Northern Quebec Inuit Association], to Ralph Ritcey, Superintendent of Vocational Education, February 7, 1973 [ISP-001320[00-01]]; and “Meeting between Northern Quebec Inuit Association and Inuit Students of Northern Quebec held on January 13, 3:00 P.M. at I.T.C. office Ottawa” [ISP-001320[01-01]]. Both in Accession No 81-8 01/1973-01/1976 File QUE-V 375-25-1 FRC – Quebec City.

⁴¹⁹ Application for Tuition Grant – Metallic, Patricia, May 16, 1955 [FBH-011451]. RG 10 Volume 9042 File 26/25-8-2 Part 1 Library and Archives Canada.

⁴²⁰ S. J. Kitella, Superintendent, Dauphin Indian Agency, to R. D. Ragan, Acting Regional Supervisor of Indian Agencies, Manitoba, August 24, 1956 [FBH-014721[00-01]]; and Application for Tuition Grant – Shingoose, Hazel Grace, August 24, 1956 [FBH-014721[01-01]]. Both in RG 10 Volume 10395 File 511/25-8 Part 6 Library and Archives Canada.

⁴²¹ Application for Tuition Grant – Hager, Laura, May 23, 1957 [VAN-045364]. 25-8, Pt. 3, 07/01/1957-01/31/1958, Tuition grants, Acc. 1989-90/101, Box 41, F.A. 10-151, LAC-Vancouver.

⁴²² Application for Tuition Grant – Paul, Rebecca, June 27, 1957 [FBH-015182]. RG 10 Volume 8333 File 88/25-8 Part 6 Library and Archives Canada.

regulations.⁴²³ One response, from Southern Alberta, remarked that “most of our non-ward welfare cases move from Welfare to Education as soon as they are a) old enough or b) settled enough, or c) school term sta[rts].”⁴²⁴

Sometimes, the Boarding Home Program used homes that had previously taken foster children. In November 1961, it was reported that in Saskatchewan, foster homes were being approached to see if they had space for boarding home placements. A Child Welfare worker asked for clarification about the Branch’s policy for off-reserve placements for education and welfare reasons.⁴²⁵ In Quebec, a social worker at the Quebec Regional Office described boarding homes in the same terms as foster placements.⁴²⁶ Correspondence from the Manitoba Region in 1962 also suggests that placements in boarding homes were not always fully distinct from foster placements.⁴²⁷

Draft policies in place for the Saskatchewan Region at this time stressed that boarding home placements should be distinguished from welfare or foster home placements. Children in the foster home program were not eligible for the Boarding Home Program.⁴²⁸ The Indian Commissioner for B.C. also drew a sharp distinction between the two cases: while private boarding homes were non-Indian families, many foster placements were with a child’s relatives, often on-reserve.⁴²⁹ Circular No. 345, issued in February 1962, discussed the use of boarding homes for students in comparison to foster homes, stating that efforts should be made to make the rate equivalent. A follow-

⁴²³ Maintenance of Indian Children in Boarding or Foster Homes – Circular No. 67, November 24, 1961 [FBH-002264]. RG 10 Volume 8770 File 1/25-8 Part 6 Library and Archives Canada.

⁴²⁴ A. MacKinnon, Supervising School Principal, Southern Alberta Region, Memo to R.S., December 4, 1961 [VAN-030029[01-01]]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

⁴²⁵ K. J. Gavigan, Regional Supervisor, Saskatchewan, to Chief, Education Division, November 17, 1961 [FBH-000863[00-02]]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

⁴²⁶ Berthe Fortin, Professional Social Worker, Quebec Regional Office, to R. L. Boulanger, Regional Supervisor, December 21, 1961 [FBH-002258]. See also translation [FBH-002259]. Both in RG 10 Volume 8770 File 1/25-8 Part 6 Library and Archives Canada.

⁴²⁷ See, for example, [Illegible] for A. G. Leslie, Winnipeg Regional Office, to Indian Affairs Branch, March 21, 1962 [NRD-001544, p. 1]. RG10, Vol. 8770, File 1/25-8, pt. 6 Library and Archives Canada; and Leslie to Indian Affairs Branch, April 3, 1962 [FBH-002352]. RG 10 Volume 8775 File 501/25-8 Part 3 Library and Archives Canada; and Dorothy McFadyen, Teacher-Counsellor, Indian Residential School [Brandon], to J. Slobodzian, Regional Superintendent of Schools, Winnipeg, November 19, 1962 [BRS-000043]. RG10, Vol. 6861, File 511/25-2-015, pt. 4 Library and Archives Canada.

⁴²⁸ Saskatchewan Regional Office, “Draft of Policy Governing Placement of Indian Children in Boarding Home,” June 1961 ca. [FBH-000863[01-02]]. RG 10 Volume 8754 File 601/25-1 Part 3 Library and Archives Canada.

⁴²⁹ J. V. Boys, Indian Commissioner for B.C., to Indian Affairs Branch, December 13, 1961 [FBH-002464]. RG 10 Volume 8780 File 901/25-8 Part 3 Library and Archives Canada.

up to this circular in April noted that any placements in private boarding homes “for welfare reasons” should be managed by the appropriate child welfare agency.⁴³⁰

The term “foster home” was still used in some documents to describe boarding home placements in the 1970s, particularly in reference to students from northern communities and Quebec.⁴³¹

5. Off-Reserve Students

The Department issued Circular No. 17 in October 1958, informing about the availability of fifteen bursaries, on an experimental basis, for Indian students whose parents lived off-reserve and who needed to leave home to pursue their education. Among other criteria, to be eligible, the student’s family had to have resided off-reserve for one to five years; up to 80% of the total cost could be covered by Indian Affairs.⁴³² This program was extended in 1960 under the same terms.⁴³³ In 1965, Indian Affairs decided to change the program, limiting it to students at the vocational and university levels but eliminating the restriction to families who had lived off-reserve for less than five years.⁴³⁴

As discussed in Sections 2 and 4 above, in 1970 the *Indian Act* was amended to limit the Minister’s authority over education services to on-reserve Indians, and a new directive on the educational assistance policy was issued. Indigenous organizations and DIAND field staff were quick to comment on the new policy, including the lack of services for off-reserve families. The shortcomings listed included lack of funding for books, school supplies, and allowances. Room and board was not mentioned in the summary of this

⁴³⁰ Policy Replacement of Indian Children in Private Homes, Residential Schools, and Other Institutions, April, 1962 [NCA-014588, p. 3]. RG10, Vol. 8770, File 1/25-8, pt. 6 Library and Archives Canada.

⁴³¹ See, for example, Rapport Détaillé du Conseiller Pédagogique – Mois de Septembre 1969 [FBH-001877]. RG 10 Accession 2014-02388-3 Box 269 File 8888-448.Q.41 371/25-1 Part 2 Library and Archives Canada; Irene Dickman, Social Worker, Churchill District Office, to James Wright, Guidance Office, Dauphin, September 2, 1970 [VAN-046225]. 511/25-17-095-Thompson, Pt. 1, 01/15/1969-06/22/1972, Indian Education – Pupil Guidance – Thompson, Perm. Vol. 13677, F.A. 10-158, LAC-Winnipeg; and A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, pp. 5-7]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

⁴³² H. M. Jones, Director, Indian Affairs Branch, to the Indian Commissioner for B.C., and Regional Supervisors, October 17, 1958 [NEL-002002]. Series 'B' Yellow, JL103.C3777 v. B2 c.2, AANDC.

⁴³³ Circular No. 43: Bursaries for Educational Assistance of Indian Students Whose Families Reside Away from the Reserve, May 25, 1960 [NEL-002001]. Series 'B' Yellow, JL103.C3777 v. B2 c.2, AANDC.

⁴³⁴ Circular No. 614, August 31, 1965 [NCA-012872-0005]. File 976/25-1, Vol. 2 (Ctrl #H-75-392) INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

feedback written by the Assistant Deputy Minister for Indian and Eskimo Affairs.⁴³⁵ Proposed changes to the eligibility criteria for educational assistance, however, included provision for room and board:

- (B) For those students who must leave their homes on the reserve in order to continue their education, the present terms of educational assistance will continue. This includes funds for board and room and clothing in addition to the 2 items mentioned above. However, as soon as possible, the matter of Branch responsibility for administering this aspect of educational assistance should be reexamined with a view to increasing the involvement of the Indian people themselves in the direction and control of this part of the program.⁴³⁶

A memorandum discussing proposed changes to the *Indian Act* in 1977 stated that DIAND considered Band members who had lived off-reserve for less than a year to be “the full responsibility of the Department in terms of the payment of educational fees, student assistance, etc.,” noting that some provinces required residence for a year before an individual could qualify for educational services. After a year of continuous off-reserve residence, a Band member was considered as “a bona fide resident of the school district in which he resides,” on the assumption that by paying property tax, the member would be eligible for provincial school services. The memorandum continued:

- 5. However, the situation has often arisen, especially in the case of large families, in which additional assistance continues to be required by off-reserve Band members for children of compulsory attendance age. The Department, under those circumstances, assists in providing books, supplies and allowances.
- 6. In the area of optional education, particularly at the post-school level, the Department continues to provide financial assistance to off-reserve Band members who are in need. This assistance can cover payment of fees, books, supplies, travel, clothing and allowances.⁴³⁷

⁴³⁵ J. B. Bergevin, Assistant Deputy Minister, Indian and Eskimo Affairs, to the Regional Director, October 6, 1970 [VAN-045514]. 25-8, Pt. 19, 06/01/1969-12/31/1971, Educational asst. – General, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁴³⁶ G. D. Cromb, Director, Education Branch, D. W. Simpson, K. Gooderham, O. Zakreski, D. Kogawa, and E. Ellis, Committee for Review of Educational Assistance, to Bergevin, September 10, 1970 [FBH-005244]. RG 10 Accession 2014-000827-2 Box 25 File 1/25-8 Part 14 Library and Archives Canada.

⁴³⁷ Indian Act Revisions – Education, May 1977 ca. [ISP-01114[00-01]]. INAC File 1/25-1 Vol. 75.

The changes proposed, which would have made it possible for Band councils to assume responsibility for all education services to both on- and off-reserve members, were not implemented.

In 1982, the Department received legal advice that assistance to off-reserve students was beyond its authority, based on Section 4(3) of the *Indian Act*, which “clearly excludes elementary and secondary students who do not live on reserves or Crown lands from receiving these services.” Regions were directed to discontinue assistance to these students.⁴³⁸ The Director of Education for the Ontario Region confirmed that it had not provided any services to off-reserve students “for several years.”⁴³⁹

A 1983 letter from the Minister of Indian Affairs to the Indian Association of Alberta provides some insight into the Department’s decision not to fund education services for off-reserve students. The Minister stated:

Our Education Assistance Policy, covering services for off-reserve students, was instituted to meet departmental priorities during the period prior to the early 1970’s when the transfer of Indian students to provincial schools was being encouraged.⁴⁴⁰

With the introduction of Band-controlled education services, however, some aspects of the policy had become outdated and were reappraised. With the need to reduce spending in 1980-81 and 1981-82, some regions focused on on-reserve students. Subsequent legal analysis confirmed the Department’s lack of authority to provide off-reserve educational services. The Minister stated that the federal government’s position was that Section 91(24) of the *Constitution Act* “... did not create a federal obligation to provide services to Indians living off reserve.”⁴⁴¹ The education of status Indian children living off-reserve was a responsibility of the province or territory in which they were resident.

⁴³⁸ D. K. Goodwin, Assistant Deputy Minister (Indian and Inuit Affairs), to Regional Directors General, August 26, 1982 [FBH-000111[01-04]]. 4710-10 Vol 1 Feb 82-Dec 87 INAC – ON Region. Document ID written as entered in database.

⁴³⁹ G. A. Mullin, Director of Education, Ontario Region, to the District Superintendent of Education, September 10, 1982 [FBH-000111[00-03]]. 4710-10 Vol 1 Feb 82-Dec 87 INAC – ON Region.

⁴⁴⁰ John C. Munro to Ernest Crane, Indian Association of Alberta, November 14, 1983 [Doc. No. 250729]. LAC Edmonton File 4785-2-1 Vol. 2, 12/1982-04/1984.

⁴⁴¹ John C. Munro to Ernest Crane, Indian Association of Alberta, November 14, 1983 [Doc. No. 250729]. LAC Edmonton File 4785-2-1 Vol. 2, 12/1982-04/1984.

6. Non-Status Students

The 1970 guide to the Educational Assistance program stated that funding could be provided to non-status children under certain circumstances, listing six categories.⁴⁴² By 1970, several regions reported that small numbers of non-status students were enrolled in the Boarding Home Program.⁴⁴³

4. Placement and Transfers

A Teacher-Supervisor in Edmonton recommended in 1961 placing one student per home to achieve “a more rapid adjustment and orientation with fewer problems and better results at school.”⁴⁴⁴

New recommendations in October 1968 proposed that when a child was to enter the Boarding Home Program, the counsellor in charge of the program should visit the child at home and meet the parents, as well as visiting the child at school.⁴⁴⁵

By 1970, it was reported that decisions about boarding homes were made jointly by parents and federal staff, often with the involvement of a School Committee. According to information provided by the Regional Superintendent of Education:

Choosing the Boarding home ideally is the prerogative of the parent, however, in most cases selection of homes is done by Counselling staff. Efforts are made to orient both the boarding home parents and

⁴⁴² Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, p. 7]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

⁴⁴³ See, for example, Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Report – Education Program – British Columbia and Yukon. Ottawa: Department of Indian Affairs and Northern Development, 1971 [FBH-000027, pp. 94-95].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R44-143-1971-eng.pdf INAC-HQ;
and Report – Education Program (Saskatchewan), February 1971 [FBH-000005, pp. 92-93].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-258-1971-eng.pdf INAC-HQ.

⁴⁴⁴ J. E. Kerens, Teacher Supervisor, Edmonton, to G. K. Gooderham, Regional Superintendent of Indian Schools, November 27, 1961 [VAN-030031]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

⁴⁴⁵ Reporting of Meeting on Field Organization for the Administration and Supervision of the Student Residences and Private Home Placement, October 17, 1968 [NEL-001070[01-03], p. 3]. 1/25-8, Vol. 11, 00/00/1968-00/00/1969, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

the Indian student to the program with adequate follow-up by the Counsellors throughout the year.⁴⁴⁶

The Chief of Guidance and Special Services reported, however, that in reality “there is generally a lack of sufficient time for the Counsellors to do adequate follow-up due to the number of students per Counsellor.”⁴⁴⁷ In Saskatchewan, guidance counsellors were encouraged to contact parents before making a decision to transfer a student from one boarding home to another.⁴⁴⁸

1. Authorization for Moving Out of a Boarding Home

The 1960 Indian Student’s Handbook advised students that they were legally required to give seven days’ notice before moving.⁴⁴⁹ A handbook for students in Saskatchewan stated that students required “special permission” to move.⁴⁵⁰ A handbook produced in 1975 for students in the Brandon District added more details:

You may not move from your boarding home without special permission. Talk to your Counsellor first if you think you have a good reason. If you move without permission, we will have to deduct out of your allowance, any double rent payments.⁴⁵¹

The 1970 program guidelines specified that if the boarding home was found to be “not compatible with the student and his needs,” then the counsellor was responsible for finding an alternative arrangement.⁴⁵² In the Vancouver District, students were told that they were expected to stay in the same boarding home for the full year, but if a move

⁴⁴⁶ Report – Education Program (Quebec), July 1970 [NCA-013848, p. 77]. RG22, Vol. 802, File 6-21-1, pt. 6, Enclosure Library and Archives Canada.

⁴⁴⁷ Report – Education Program (Quebec), July 1970 [NCA-013848, p. 80]. RG22, Vol. 802, File 6-21-1, pt. 6, Enclosure Library and Archives Canada. The same information is found in the reports for other regions produced at the same time. See, for example, Report – Education Program (Saskatchewan) [FBH-000005, p. 87].

⁴⁴⁸ Counsellors' Guide for All Saskatchewan Region Guidance Counsellors, April 30, 1971 [RCS-000484, p. 10]. GRS Files, Box 10A, File 8 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

⁴⁴⁹ Indian Student’s Handbook, 1960 ca. [VAN-047749, p. 8]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁴⁵⁰ Saskatchewan E.A. Student's and Landlady's Handbook, 1960 ca. [VAN-047750, p. 4]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁴⁵¹ Student Handbook [Brandon], June 3, 1975 [FBH-005160, p. 4]. RG 10 Accession 2001-01046-X Box 6 File 578/25-8 Part 1 Library and Archives Canada.

⁴⁵² Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, p. 17]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

was necessary, it must be made at the end of the month.⁴⁵³ In the Ontario Region, students were told that they required the permission of the Social Counsellor to change homes, but no specific time frame was proposed. Boarding home operators were advised that they must give two weeks' notice to have a student removed.⁴⁵⁴

5. Holiday Transportation

In the early 1960s, Indian Affairs made arrangements for Christmas transportation for some students, including providing transportation for some students and purchasing bus or train tickets for others.⁴⁵⁵ In other cases, transportation was only paid for September and June.⁴⁵⁶ Students in the Sault Ste. Marie program were advised that they could apply for reduced fares through their school or the Greyhound bus company. They were also instructed to buy return tickets.⁴⁵⁷ Students at North Bay were told that they were allowed to go home on the Thanksgiving and Victoria Day weekends only, but there was no mention of funding for these holidays or for Christmas and Easter.⁴⁵⁸

By 1969, DIAND was aware that many students were not able to travel home for the Christmas and Easter holidays. The Snider Report (discussed in Section 9.2 below) identified this as a problem (note that the Snider Report studied samples of “metropolitan” education districts in large urban centres and “urban” education districts in smaller centres):

Indian parents and Indian students place great stress on the family reunion at Christmas and Easter, especially at Christmas. However,

⁴⁵³ Guidelines Boarding Home Program – 1979-80 – Vancouver District – Department of Indian Affairs, September 1979 [VAN-030062[01-01]]. 801/25-8, Pt. 22, 02/01/1979-04/30/1980, Education assistance – General, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁴⁵⁴ Native Students' Handbook [Boarding Home Program], September 21, 1988 [FBH-000140, pp. 3; 6]. 4906-1 Vol 1 05-88-8/91 INAC – ON Region.

⁴⁵⁵ See, for example, K. J. Gavigan, Acting Regional Supervisor of Indian Agencies, Saskatchewan Region, to Superintendent Woodsworth, December 6, 1961 [VAN-063079]. 25-8, Pt. 28, 08/1960-02/1962, Educational Assistance, Acc. 1996-97/451, Box 9, F.A. 10-444, LAC-Ottawa.

⁴⁵⁶ See, for example, Guide for Students and Landladies, 1960 [VAN-047745, p. 6]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁴⁵⁷ Handbook for Boarding Home Parents – Sault Ste. Marie. Ontario – School Year 1962-1963 [SWK-001985, p. 8]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto.

⁴⁵⁸ Guide for Students and Landladies, Education Division, Indian Affairs Branch, North Bay, Ontario, June 24, 1965 [FBH-001250, p. 10]. RG 10 Volume 10668 File 81/25-8-8-3-1 [ED] Library and Archives Canada.

only 50 per cent of the Metropolitan students and 60 per cent of the urban students get home for these festive holidays.⁴⁵⁹

A 1970 report on the Quebec Region confirmed that lack of funding to transport students home for the Christmas and Easter holidays was a problem area.⁴⁶⁰

In July 1971, DIAND officials recognized that there was “strong pressure from various Indian organizations” for funding to allow students to travel home by Christmas. The Department’s Educational Assistance Policy and Guidelines paper was updated in July 1971 to include payment of transportation home during the Christmas holidays as an allowable expense. The list of counsellor services in the same document noted that counsellors should make arrangements for students to travel home at Christmas and Easter, but also stated, however, that “at the present time Departmental funds are not available for this type of travel.”⁴⁶¹

Initially, DIAND had categorized this as “a ‘B’ level item,” but decided to make it a higher priority “A” budget item for 1972-73. Regional offices were advised to fund Christmas transportation for Christmas 1971, but offered no additional funding for this purpose.⁴⁶² By November, however, DIAND realized that, in Arctic Quebec and the N.W.T., this would not be possible.⁴⁶³

This situation, in which students in southern Canada received funding to go home for Christmas but students from the North did not, was repeated in 1972. One report comments on the fact that Christmas was “the high point of the Inuit year,” adding that, for this reason, “it is difficult for a child to leave its parents immediately following this

⁴⁵⁹ Bessie W. Snider, *A Study of the Boarding Home Program for Indian School Students in British Columbia, Alberta, Saskatchewan, Manitoba and Ontario* (Ottawa: Education Branch, Department of Indian Affairs and Northern Development, 1969) [BHR-003030, p. 11]. Found at: <https://publications.gc.ca/site/eng/9.839234/publication.html>.

⁴⁶⁰ Report – Education Program (Quebec), July 1970 [NCA-013848, p. 80]. RG22, Vol. 802, File 6-21-1, pt. 6, Enclosure Library and Archives Canada.

⁴⁶¹ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, pp. 5; 10; 26]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

⁴⁶² J. B. Bergevin, Assistant Deputy Minister, Indian and Eskimo Affairs, to the Minister, July 8, 1971 [NCA-001459-0064]. File 1/27-8, Vol. 7 (Ctrl #P146-103) National Capital Regional Service Centre – LAC – Ottawa.

⁴⁶³ D. A. Davidson, Acting Director, Territorial Affairs Branch, to A. D. Hunt, Assistant Deputy Minister for Northern Development, November 15, 1971 [NCA-016464]. File 600-1-12, Vol. 2 (Ctrl #440-19) INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

most festive time of year.”⁴⁶⁴ The policy of the Indian and Eskimo Affairs Program was to provide funding for all students, but students in the N.W.T. were funded through the Northern Services Program.⁴⁶⁵ The Superintendent of Vocational Education for the Northern Program, Ralph Ritcey, reported to the Superintendent for the Ungava District in November 1972 that students in Ottawa and Winnipeg were asking to go home for Christmas, but he did not have an answer for them. He pointed out that upgrading students would only get two days off, while others would have about 10 days, and suggested it would be unfair if students from one district were allowed to go home while others were not. Noting that the District would bear the cost, he asked for advice.⁴⁶⁶ He was informed that because the holiday was not long enough and weather conditions were unpredictable, “our decision is that no student will go home for Christmas.”⁴⁶⁷ Another letter to Ritcey on this subject stated that there was no money in the budget for this purpose and agreed that it would be unfair for some students to go home and not others.⁴⁶⁸

Later in December, however, arrangements were made to transport children from several northern communities home for Christmas, although no reliable arrangements could be made for some children, who reportedly accepted that they would remain in Ottawa rather than risk being stranded. It was suggested that Ritcey, the Superintendent of Vocational Education, had made no effort to try to make arrangements for the children, and referred to one of the communities as “the end of the world,” although in fact staff were later able to make arrangements for children from this community without significant difficulty. John Ciaccia, Assistant Deputy Minister, concluded that Ritcey also failed to reach out to the Quebec Region to discuss potential solutions. He described this incident as an example of the lack of

⁴⁶⁴ A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, p. 8]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

⁴⁶⁵ John Ciaccia, Assistant Deputy Minister, Indian and Eskimo Affairs, to H. B. Robinson (Personal and Confidential), December 21, 1972 [DAY-070803]. RG 10 Accession 2017-00189-9 Box 216 File 380/27-8 Library and Archives Canada – Winnipeg.

⁴⁶⁶ Ralph Ritcey, Superintendent of Vocational Education, to Warren Halligan, Superintendent of Education, Ungava District, November 2, 1972 [DAY-070795[01-01]]. RG 10 Accession 2017-00189-9 Box 216 File 380/27-8 Library and Archives Canada – Winnipeg.

⁴⁶⁷ O’Neill Côté, Great Whale River, to Ralph Ritcey, Superintendent of Vocational Education, November 10, 1972 [DAY-070797]. RG 10 Accession 2017-00189-9 Box 216 File 380/27-8 Library and Archives Canada – Winnipeg.

⁴⁶⁸ R. Martineau, Education Counsellor, for W. Halligan, Supervisor of Education, to Ralph Ritcey, Superintendent of Vocational Education, November 8, 1972 [DAY-070796[01-01]]. RG 10 Accession 2017-00189-9 Box 216 File 380/27-8 Library and Archives Canada – Winnipeg.

communication between the Indian and Eskimo Affairs Program and the Northern Services Program.⁴⁶⁹

In 1973, the N.W.T. initially agreed to provide funding for Christmas travel, but in October, they suggested restricting this to hostel students. The Deputy Minister of DIAND proposed several possible responses, recommending that the N.W.T. should be directed either to fund Christmas travel for students under 18 or for all students.⁴⁷⁰ It appears, however, that neither of these options was chosen and both in 1973 and 1974, “only certain individuals from the N.W.T. were permitted to travel home at Christmas.”⁴⁷¹ In February 1975, parents from the Hudson Bay District in Ontario asked for their children to be sent home for the holidays.⁴⁷²

In 1980, as part of a project to create standards of service for non-discretionary education programs, it was recommended to add funding to travel home at spring break as well as Christmas, although it is unclear whether this was implemented.⁴⁷³

By 1988, students in boarding homes in Ontario could travel home on weekends with parental permission.⁴⁷⁴

6. Group Homes

As of 1968-69, about 100 students in the N.W.T. lived in group homes, residences for 8-12 students supervised by Inuit house-parents.⁴⁷⁵ When the Yukon Territorial

⁴⁶⁹ John Ciaccia, Assistant Deputy Minister, Indian and Eskimo Affairs, to H. B. Robinson (Personal and Confidential), December 21, 1972 [DAY-070803]. RG 10 Accession 2017-00189-9 Box 216 File 380/27-8 Library and Archives Canada – Winnipeg.

⁴⁷⁰ H. B. Robinson, Office of the Deputy Minister of Indian Affairs and Northern Development, to the Minister, November 16, 1973 [NCA-016467]. File 600-1-12, Vol. 2 (Ctrl #440-19) INAC – Resolution Sector – IRS Historical Files Collection – Ottawa. See also J. Ciaccia to Assistant Deputy Minister, Northern Affairs, April 19, 1973 [ISP-002922[02-05]]; and A. D. Hunt, Assistant Deputy Minister, Northern Affairs Program, to [Assistant Deputy Minister], April 1973 ca. [ISP-002922[01-05]]. Both in N 5280-0 Vol 1 UN 01/01/1974-12/31/1982 INAC – Archival Unit.

⁴⁷¹ J. T. Fournier to J. H. Parker, November 18, 1975 [ISP-002922[00-05]]. N 5280-0 Vol 1 UN 01/01/1974-12/31/1982 INAC – Archival Unit.

⁴⁷² Ralph Ritcey, Superintendent of Vocation Education, “Visitors from Hudsons Bay District,” February 1975 [QDS-001116]. INAC File 381-25-8, Vol V2 1, QUE-V.

⁴⁷³ A. H. Friesen, Director of Education, British Columbia Region, to all District Managers, October 17, 1980 [VAN-082331[00-09]]; enclosing Federal School – Standards, circa October 1980 [VAN-082331[02-09], p. 4]. Both in 975/25-1, 01/01/1979-12/31/1981, Indian Education – General, Acc. 2007-00592-1, Box 4, F.A. 10-138, LAC-Vancouver.

⁴⁷⁴ Native Students' Handbook [Boarding Home Program], September 21, 1988 [FBH-000140, p. 4]. 4906-1 Vol 1 05-88-8/91 INAC – ON Region.

Government took over responsibility for all educational services in 1968, a general policy statement discussed the options available, which included living in the family home whenever possible, or else in (1) group homes, (2) foster homes, or (3) hostels or student residences. Boarding home placements were not listed, but may have been included in one of the above categories. The guidelines stated that placements could be recommended by the Department of Welfare but required approval by the Department of Education. An emphasis was to be placed on maintaining contact with the home community and placements were to be made as close to the parents as possible to allow for frequent visits.⁴⁷⁶

Prioritization of hostel placements appears to have been adhered to throughout the 1960s in the Yukon Region. A letter from the Indian Commissioner states that students will only be boarded out to private homes if there was evidence that they are “unsuitable for hostel life – for example, has he ever been asked to leave the hostel, or has he personal problems that would be accentuated by hostel life.”⁴⁷⁷ In practice, the Whitehorse Guidance Counsellor appears to have been pressured by the Region to place as few students in boarding homes as possible, reiterating to the Regional School Superintendent in a letter dated December 31, 1965 “I have not boarded out one person this term.... Except in rare cases, I have and I shall, (somewhat to my consternation) go down defending the hostels.”⁴⁷⁸ Documents suggest children were boarded in private homes only in extreme circumstances, with a small number of students being sent to boarding homes in Southern British Columbia, notably Victoria, from at least 1966 on, according to a memorandum dated August 9, 1966, and a letter dated May 31, 1968.⁴⁷⁹

⁴⁷⁵ The Indian and Eskimo in the Northern Territories, October 29, 1969 [NCA-016590-0002, p. 3]. File 1/1-2-16-1, Vol. 9, Locator N359-3 National Capital Regional Service Centre – LAC – Ottawa.

⁴⁷⁶ General Policy Statement, November 1968, ca. [NCA-016453-0002]. File 801/25-1, Vol. 5, (Locator #E129-64) National Capital Regional Service Centre – LAC – Ottawa. The Territory took over administrative and financial responsibility for education services retroactive to April 1, 1967. R. F. Davey, Director, Education Services, to Indian Commissioner for B.C., November 21, 1967 [VAN-045545]. 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁴⁷⁷ Indian Commissioner for B.C. to H. Kendall, Vocational Guidance Counsellor, Yukon Agency, September 23, 1965 [VAN-045569]. 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁴⁷⁸ D. S. Fraser, Guidance Counsellor, to R. M. Hall, Regional School Superintendent [VAN-045561]. 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁴⁷⁹ See, for example, David Fraser, Counsellor, to A. Friesen, D.S.S., Indian Affairs Branch, Vancouver, B.C., 1967 ca. [VAN-045461]. 25-8, Pt. 16, 04/01/1967-01/31/1968, Education asst. – General, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver; and David S. Fraser, Guidance Counsellor, Yukon Indian Agency, Whitehorse, Y.T., to R. M. Hall, Regional School Superintendent, August 9, 1966 [VAN-045555]. 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box

A summary of the education program drafted by Indian Affairs in 1969, wrote that about 4,000 high school students were currently accommodated in “carefully selected private homes.” Acknowledging that the adjustment to an urban setting could be a traumatic experience for these students, it reported that DIAND was experimenting with group homes:

We are therefore doing some experimentation with the use of group homes which would look after 8 to 12 students who, because they are able to relate to others with similar backgrounds, can draw support from their association with their peers in this kind of home. Not all require this kind of support but in our opinion a significant number do. This, of course, is a costly program regardless of whether they are placed individually in homes or are placed in small groups. The cost now runs close to 4,000,000.⁴⁸⁰

By 1970, memoranda articulated a renewed interest in expanding the Boarding Home Program in the Yukon. A proposal for a High School boarding program in Whitehorse for the 1970-71 school year was approved as a possible solution to combat the increasing dropout rate of students in Grade 9 and up.⁴⁸¹ This program was projected to have 10-15 students in September 1970 and was intended to expand over time.⁴⁸² However, no evidence has been located that this program ever grew substantially.

Varying proposals for the use of group homes emerged in the 1970s. The Northern Quebec Inuit Association suggested the possibility of placing Inuit students in group homes with Inuit house-parents for a three-month orientation period when they first

42, F.A. 10-151, LAC-Vancouver; and Dave Fraser, Yukon Indian Agency, Whitehorse, Y.T., to E. Lee, Counsellor, Indian Affairs Branch, Nanaimo, B.C., May 31, 1968 [VAN-045481]. 25-8, Pt. 17, 01/01/1968-05/31/1969, Education asst. – General, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁴⁸⁰ DIAND to Bergevin, September 15, 1969 [FBH-004458[01-01], p. 6]. RG 10 Accession 2014-00827-2 Box 24 File 1/25-1 Part 35 Library and Archives Canada.

⁴⁸¹ P. W. Frankish, Counsellor, Yukon Indian Agency, to A. H. Friesen, Asst. Regional Superintendent of Education, February 12, 1970 [VAN-046040]. E4700-1, Pt. 6, 03/28/1969-09/02/1970, General, Acc. 2013-00326-9, Box. 6, F.A. 10-650, LAC-Vancouver; and A. H. Friesen, Asst. Regional Superintendent of Education, to P. W. Frankish, Counsellor, Yukon Indian Agency, Whitehorse, Y.T., February 17, 1970 [VAN-045497]. 801/25-8, Pt. 18, 09/01/1968-07/31/1971, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁴⁸² P. W. Frankish, Counsellor, Yukon Indian Agency, to A. H. Friesen, Asst. Regional Superintendent of Education, February 12, 1970 [VAN-046040]. E4700-1, Pt. 6, 03/28/1969-09/02/1970, General, Acc. 2013-00326-9, Box. 6, F.A. 10-650, LAC-Vancouver.

arrived in Ottawa.⁴⁸³ According to correspondence from 1974, in the Yukon group homes were expected to replace student residences.⁴⁸⁴ In the Saskatchewan Region, they were discussed as an alternative to foster homes or institutions.⁴⁸⁵ A hostel program in Quebec described its group homes as “half way between the residence and the private home.” In this example, a group home for about twelve students under the supervision of one family was developed as an alternative to a private boarding home program, which had “caused many problems for the community.” The “guardians” of the hostel were selected by the Band Council.⁴⁸⁶

In Ontario, the Northern Nishnawbe Education Council developed group homes at Pelican as an alternative to boarding homes in southern Ontario, when the need for boarding homes in Sioux Lookout outstripped capacity. The group homes, located near Sioux Lookout, allowed students from remote communities to attend high school as day students without living in private boarding homes. The main goal of the project was to give Grade 9 students one year to adjust before moving to Sioux Lookout as boarding home students.⁴⁸⁷ At Pelican, students were allotted a set amount of long-distance call time and the supervisors of each home were required to write letters to their parents every six weeks describing “the progress and attitude of their children.” The supervisors were also instructed to encourage parents to visit whenever possible.⁴⁸⁸ The first year of the Pelican program was reportedly difficult. The guidelines for 1979-80 noted problems with intoxicated and violent students and suggested that, if necessary, the police could be called and the students jailed overnight.⁴⁸⁹

⁴⁸³ A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, p. 11]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

⁴⁸⁴ P. B. Lesaux, Assistant Deputy Minister, Indian and Eskimo Affairs, to H. B. Robinson, May 30, 1974 [NCA-017354-0000]. File 801/25-1, Vol. 7 (Locator #N338-402) National Capital Regional Service Centre – LAC – Ottawa.

⁴⁸⁵ R. Martin, Regional Coordinator of Student Residences, to District Supervisors, Saskatchewan Region, July 18, 1974 [012071]. File 1/25-1, Vol. 60 DIAND HQ.

⁴⁸⁶ See, for example, The Hostel Program, 1976, Fort George, Quebec [NCA-004293-0002, pp. 2-3]. File 372/25-13-019, Vol. 1, Control 87-Q-18 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

⁴⁸⁷ Pelican Group Homes – Staff Manual – 1979 [FBH-018385, pp. 4-5]. RG 10 Accession 2014-01956-8 Box 11 File 401/25-1-18 Part 1 Library and Archives Canada.

⁴⁸⁸ Pelican Group Homes – Staff Manual – 1979 [FBH-018385, pp. 15-16]. RG 10 Accession 2014-01956-8 Box 11 File 401/25-1-18 Part 1 Library and Archives Canada.

⁴⁸⁹ Pelican Group Homes – Staff Manual – 1979 [FBH-018385, pp. 5; 21]. RG 10 Accession 2014-01956-8 Box 11 File 401/25-1-18 Part 1 Library and Archives Canada.

Inuit students from Ungava Bay recommended that younger students should live together and asked for an Inuit student residence where they could meet.⁴⁹⁰

By 1988, group homes were considered as an alternative to private boarding homes in the B.C. Region.⁴⁹¹

7. Summer Placements

In 1958, the Regional Supervisor of Indian Agencies in Alberta reported that principals of residential schools sometimes arranged for children to board “with Indian or non-Indian families” during the summer. He indicated that this was considered preferable to leaving the children at residential school for the summer, but that the Regional Office would need to approve all placements, which he described as “foster homes.”⁴⁹² This term continued to be used to describe summer placements for residential school students into the 1960s. A list of summer placements for children from the Abitibi District in 1965 included placements with Indigenous and non-Indigenous families, on- and off-reserve. The rate of payment was reported to be slightly lower than the standard Social Services rates.⁴⁹³

An April 1967 letter from the principal of the La Tuque IRS to the Anglican Bishop of James Bay described summer placements for students as one of several kinds of “foster homes” that pupils with no suitable home to return to during the summer vacation had boarded with “School staff or Church friends.” The principal noted Indian Affairs had forbidden this and preferred to “rely instead on the Provincial Social Welfare Department.” The principal expressed concern that this would lead to children being placed in homes of “people who want to make money off the children,” as opposed to “people interested in the children.”⁴⁹⁴

⁴⁹⁰ “Meeting between Northern Quebec Inuit Association and Inuit Students of Northern Quebec held on January 13, 3:00 P.M. at I.T.C. office Ottawa” [ISP-001320[01-01]]. Accession No 81-8 01/1973-01/1976 File QUE-V 375-25-1 FRC – Quebec City.

⁴⁹¹ Indigenous and Northern Affairs Canada, INAC Education Program: British Columbia Region Administrative Handbook (Ottawa: Indian and Northern Affairs Canada, 1988) [FBH-000031, p. 119]. http://publications.gc.ca/collections/collection_2018/aanc-inac/R44-157-1988-eng.pdf INAC-HQ.

⁴⁹² R. F. Battle, Regional Supervisor of Indian Agencies, to all Alberta Superintendents, Alberta & N.W.T. Region, and all Alberta Principals of Residential Schools [OMI-030946, p. 1]. Acc. 71.220/9187/245 Provincial Archives – Alberta.

⁴⁹³ Superintendent, Abitibi, to the Quebec Regional Office, May 18, 1965 [FBH-001929]. RG 10 Accession 2014-02388-3 Box 91 File 8888-86.Q.7 Part 2 Library and Archives Canada.

⁴⁹⁴ J. E. DeWolf, Principal, La Tuque, to the Right Reverend Neville R. Clarke, Bishop of James Bay, April 3, 1967 [FBH-006841, p. 1]. RG 10 Accession 1999-01431-6 Box 134 File 401/25-8 Part 6 Library and Archives Canada.

In April 1971, the Coordinator of the “Home-School” Program in Cranbrook B.C. asked if the 12 children in the Boarding Home Program could stay in boarding homes over the summer months. She reported that the children had “no relatives who are ‘capable’ of keeping the children,” and that it would be preferable to arrange housing for them through Indian Affairs rather than the Social Rehabilitation Department, because “the Indian people have had many distasteful encounters with this department.” She stated that in her position as Home School Coordinator, she ensured “a constant relationship between the child’s home and the boarding home,” and that “the ties between the parent and child are not severed or discouraged.”⁴⁹⁵ The Regional Superintendent of Education advised her:

It is always preferable to have the children return home for the summer holidays because we think it is a good thing for them to spend time with their family, if possible, and if not, with relatives. However, if this works a hardship on the children involved or if there is no way they can be with their kin, then there are regulations which all us to carry them through the summer months in their boarding home, providing they are returning to school the next year and will live in the same boarding home. The decision as to which students should be carried over and who should not is that of the District Superintendent of Education, Mr. MacDonald.⁴⁹⁶

8. Regional Variations

Funding for boarding house placements tended to vary by location. One report from 1975 summarizing the then-current rates shows that urban centres had variable rates of room and board, clothing, personal allowance, and transportation. Some districts used an “honour system” approach, in which students managed some or all of the funding themselves, while others had set rates.⁴⁹⁷

⁴⁹⁵ Patricia Wright, Home-School Coordinator, to Ray Hall, Regional Superintendent of Education, April 19, 1971 [VAN-020119[01-01]]. 901/25-8-21, Pt. 2, 02/04/1971-04/26/1974, Boarding Homes, Perm. Vol. 11473, F.A. 10-138, LAC-Vancouver.

⁴⁹⁶ R. M. Hall, Regional Supervisor of Education, British Columbia, to Patricia Wright, Home-School Coordinator, April 27, 1971 [RCB-000341-0000]. File 901/25-8-21, Part 2, Boarding Homes, 1971-74, FA 10-138, Perm. Vol.11473 Library and Archives Canada – Burnaby.

⁴⁹⁷ J. Fedak, Supervisor Counselling Centre, to G. T. Ross, Assistant Regional Director of Education, November 20, 1975 [VAN-046299]. 501/25-8, Pt. 10, 07/01/1975-12/31/1975, Educational Assistance, Acc. 2000-01170-5, Box 2, F.A. 10-572, LAC-Winnipeg.

Some students in Quebec were required to live in a student residence for at least a year before moving into the Boarding Home Program as an orientation period.⁴⁹⁸

1. Placement of Northern Students in Ottawa and Other Southern Centres

In the Yukon, the policy seems to have been to place students in hostels whenever possible, using private boarding homes only for “a small category of high school and vocational students about which we all agree and for which the best of hostel life would not be an answer ... for whom private home boarding arrangements are necessary.” The correspondence on individual students suggests that this included students who were opposed to living in the hostels due to conflict with staff there and students that guidance staff believed should be sent to more distant schools.⁴⁹⁹ This included vocational students as well as some high school students who “simply don’t fit in at the hostels,” who were placed in private boarding homes for the 1964-65 year.⁵⁰⁰ In one case, the guidance counsellor initially proposed boarding two sisters, ages 15 and 16, with their grandparents, but then boarded the 16-year-old with a cousin and “insisted” that the 15-year-old remain in a hostel. Noting that he had not allowed any other students to live in private boarding homes that year, he reported that the 15-year-old must also be moved to a boarding home “in spite of her stupidity and our feelings about precedent in relation to escapees from the hostels.”⁵⁰¹ Some students were sent to high schools in B.C., but the guidance counsellor reported that this was not a success. While he had hoped to establish “a sort of tradition and nucleus in a specific school,” the students reported that they were isolated and homesick; two of three boys returned home by the end of October. Two of the boys were boarded together but one of them reported that he found it “quite lonely.”⁵⁰²

⁴⁹⁸ Annexe au Rapport de Conseiller Pédagogique – Mois de Septembre 1969 [FBH-001878, p. 1]. RG 10 Accession 2014-02388-3 Box 269 File 8888-448.Q.41 371/25-1 Part 2 Library and Archives Canada.

⁴⁹⁹ “Counselling Case Load,” April 1964 ca. [VAN-045557]. For examples, see D. Fraser, Guidance Counsellor, to Mr. Hall Regional Superintendent for Indian Schools, September 29, 1965 [VAN-045566]; Fraser to Hall, September 30, 1965 [VAN-045565]; Hall to Fraser, October 5, 1965 [VAN-045564]; and Fraser to Hall, August 9, 1966 [VAN-045555]. All in 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁵⁰⁰ V. R. Friesen, Special Vocational Guidance Counsellor, to Regional Superintendent of Indian Schools, Vancouver, October 5, 1964 [VAN-045583]. 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁵⁰¹ D. S. Fraser, Guidance Counsellor, to R. M. Hall, Regional School Superintendent, November 8, 1965 [VAN-045561]. 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

⁵⁰² D. S. Fraser, Guidance Counsellor, to R. M. Hall, Regional School Superintendent, November 1, 1967 [VAN-045546]; and V. Janzen, District Superintendent of Indian Schools, to A. H. Friesen, Assistant Regional Superintendent of Indian Schools, December 8, 1967 [VAN-045543]. Both in 991/25-8, Pt. 11, 04/01/1964-06/30/1968, Educational assistance, Acc. 1989-90/101, Box 42, F.A. 10-151, LAC-Vancouver.

While the N.W.T. Government took over responsibility for education services in the Mackenzie District in 1969 and for Keewatin and Frobisher in 1970, DIAND retained responsibility for Arctic Quebec. As of March 1971, there were 35 students from Arctic Quebec boarding in Ottawa and Winnipeg. At a meeting attended by the Quebec Region, the Arctic Quebec District, and the Northern Services Division, it was agreed that students would be allowed to choose to board in the city where their friends were already studying, or to attend school in Quebec if they preferred.⁵⁰³

2. Newfoundland and Labrador

During 1966 negotiations on federal assistance for Indigenous peoples in Newfoundland and Labrador, federal representatives asked if Indian children from Labrador could be sent to Roman Catholic boarding schools for high school, but the Deputy Minister of Education replied that “such a plan has not as yet succeeded with Indians.”⁵⁰⁴ Also in 1966, the Minister of Education asked the Executive Council to waive restrictions on student eligibility for bursaries covering housing costs for one year to allow more students to attend school.⁵⁰⁵ In 1969, the Roman Catholic Board for Labrador recommended that students should be sent out of North West River for Grades 9 and 10, on the grounds that they would be less likely to drop out. The school board was paying all the expenses of four students at Wabush, including boarding, and asked the Department if those costs could be reimbursed.⁵⁰⁶ The Department agreed to provide bursaries for the students at Wabush “placed in boarding houses approved by the School Board.”⁵⁰⁷

In 1973, the Department of Education reported to the Committee that 12-15 Indian students were asking to attend high school in St. John’s rather than at North West River. A representative from the federal Department of Indian Affairs “pointed out that under the [federal] Indian education policy the parents have the responsibility and should be

⁵⁰³ Yves Gosselin, District Supervisor, Arctic Quebec, to the Regional Director, Arctic Quebec Region, March 8, 1971 [ISP-001409]. Accession No 81-8 01/08/1971-03/16/1972 File QUE-V 375-25-8 Vol 1 ANN 1 NCL FRC – Quebec City.

⁵⁰⁴ Third Meeting of the Federal-Provincial Committee on Financial Assistance for Indians and Eskimos in Northern Labrador, June 21, 1966 [BHR-003036[01-01], p. 3]. RPA PRC 35 Box 52-01-05-3 File 75/1 Vol. I.

⁵⁰⁵ J. R. Smallwood, Acting Minister of Education, Memorandum to the Executive Council E.55-66, September 19, 1966 [BHR-003037]. MUN COLL. 075 2.09.018.

⁵⁰⁶ Patrick Hanrahan, District Superintendent, Roman Catholic School Board for Labrador, to C. Roebothan, Associate Deputy Minister, Newfoundland Department of Education, December 1, 1969 [BHR-003038, p. 2]. RPA PRC 35 Box 51-1-1-3 File 75 Vol. 23.

⁵⁰⁷ W. H. Rompkey, District Superintendent, Labrador East Integrated School Board, to Cecil Roebothan, Associate Deputy Minister of Education, Newfoundland, December 11, 1969 [BHR-003039]. RPA PRC 35 Box 51-1-1-3 File 75 Vol. 23.

consulted rather than have someone else make their decisions.”⁵⁰⁸ The meeting participants were critical of a decision to send five children from Davis Inlet to the Island for higher education: “It was felt they should be educated locally.”⁵⁰⁹

In 1974, the Committee discussed the secondary education options for Indian students from North West River, some of whom had been sent to St. John’s, which they did not like. The Chairman stated that they should not have sent the students to St. John’s.⁵¹⁰

In 1974-75, 26 students from Conne River, Newfoundland, were sent to St. John’s to attend school, but 24 or 25 of them did not complete the year and returned home. A resident from Conne River suggested that this could be attributable to “a big cultural difference to which the children cannot adjust.”⁵¹¹ A resident from North West River, Labrador, reported at the same meeting that he understood that “an experimental home in St. John’s” was being considered for Indian students from Davis Inlet and North West River, although there was already a dormitory at North West River.⁵¹² By 1982, the Department of Education reported that Labrador school boards were making a concerted effort to offer high school education in home communities.⁵¹³

⁵⁰⁸ Sixteenth Meeting of the Federal-Provincial Committee on Financial Assistance to Indians and Eskimos in Northern Labrador, June 26, 1973 [BHR-003033, p. 2]. RPA PRC 35 Box 52-01-05-3 File 75/1 Vol. 2.

⁵⁰⁹ Sixteenth Meeting of the Federal-Provincial Committee on Financial Assistance to Indians and Eskimos in Northern Labrador, June 26, 1973 [BHR-003033, p. 8]. RPA PRC 35 Box 52-01-05-3 File 75/1 Vol. 2.

⁵¹⁰ Eighteenth Meeting of the Federal-Provincial Committee on Financial Assistance to Indians and Eskimos, July 3, 1974 [BHR-003034, p. 24]. RPA PRC 35 Box 52-01-05-3 File 75/1 Vol. 2.

⁵¹¹ Twenty second meeting of the Federal-Provincial Committee on financial assistance to Indians and Eskimos, June 26, 1975 [BHR-003035, p. 9]. RPA PRC 35 Box 52-01-05-3 File 75/1 Vol. 2.

⁵¹² Twenty second meeting of the Federal-Provincial Committee on financial assistance to Indians and Eskimos, June 26, 1975 [BHR-003035, p. 9]. RPA PRC 35 Box 52-01-05-3 File 75/1 Vol. 2.

⁵¹³ B. T. Fradsham, “Native Education Report 1981-82, 1982-83,” February 4, 1982 [BHR-003040, p. 5]. RPA PRC 35 Box 51-4-1-2 File 75/4 Vol. 1.

6. Supervision and Oversight

In the 1950s, the administration of the Education Program was primarily managed by the Superintendents of Schools.

Initially, in many Regions boarding home placements appear to have been handled by school principals or residential school staff. In 1960, the Education Division began an “experimental program” of using teachers to find boarding homes, supervise placements, and act as liaisons between the Department and the boarding home. This was reportedly a success and in December 1960 R. F. Davey, Chief of the Division, raised the possibility of hiring staff for this purpose in major centres across Canada, including Vancouver, Edmonton, Saskatoon, Winnipeg, Port Arthur or Sault Ste. Marie, Toronto, Montreal, and the Maritimes.⁵¹⁴ In 1961, Education Assistants were hired to assist School Superintendents in certain urban centres. Their responsibilities included locating boarding homes, counselling students, and visiting the homes of students where possible.⁵¹⁵ It is not clear whether the term “home” in this context referred to the boarding home or the family home.

As the program expanded, IAB started to hear some complaints about the extra workload.⁵¹⁶ In some cases, such as the Akaitcho Hall program, a member of staff was designated as the Coordinator of the Boarding Home Program.⁵¹⁷ At Sault Ste. Marie, the main point of contact for boarding home parents was an Education Assistant, with additional contact names provided in case of emergency.⁵¹⁸

By 1970, there were 40 Education Districts.⁵¹⁹ In the B.C. and Yukon Region, some school boards were providing accommodation services by 1970.⁵²⁰

⁵¹⁴ R. F. Davey, Chief, Education Division, to L. Jampolsky, District Superintendent of Schools, Edmonton, December 5, 1960 [NRD-001384]. RG10, Vol. 8598, File 1/1-13-1, pt. 7 Library and Archives Canada.

⁵¹⁵ H. M. Jones, Director, Indian Affairs Branch, to Acting Indian Commissioner for B.C., Regional Supervisors, and Schools Superintendents, Circular No. 62 – Hostel Accommodation and Private Home Accommodation for Indian Students, June 30, 1961 [NCA-013241]. RG10, Vol. 8769, File 1/25-8, pt. 5 Library and Archives Canada.

⁵¹⁶ Ford Bond to S. E. M. Joblin, Associate Secretary, Board of Home Missions, November 22, 1961 [VAN-055332[01-01]]. 501/25-8 [Portage Prairie], Pt. 5, 1961-1967, Education Ass, Acc. 1999-01431-6, Box 242, F.A. 10-379, LAC-Ottawa.

⁵¹⁷ Akaitcho Hall Boarding Home Program [AHU-002895, p. 3]. Akaitcho Hall Misc. [Handbook], 1987-1992 Transfer No. 1530, Box 18 Government of Northwest Territories – Education, Culture and Employment.

⁵¹⁸ Handbook for Boarding Home Parents – Sault Ste. Marie. Ontario – School Year 1962-1963 [SWK-001985, p. 4]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto.

⁵¹⁹ Report – Education Program (Quebec), July 1970 [NCA-013848, p. 20]. RG22, Vol. 802, File 6-21-1, pt. 6, Enclosure Library and Archives Canada.

1. Role of Counsellors

The terms “teacher counsellor,” “vocational counsellor” and “guidance counsellor” were both used in reference to the staff responsible for supervising students living in boarding homes. By 1967, the term “guidance counsellor” was more generally used in English documents.⁵²¹ French-language documents continued to use the term “conseiller pédagogique.”⁵²²

In Vancouver, the Boarding Home Program provided students with counselling services as early as 1958, but this seems to have been unusual.⁵²³ In 1960, “teacher counsellors” were assigned responsibility for the Boarding Home Program in Saskatchewan and Alberta.⁵²⁴ It seems that some of the “guidance counsellors” in Saskatchewan were regional Superintendents of Schools, while others were part of the Social Services Branch.⁵²⁵ In Winnipeg, ongoing supervision of the program was included in the work of guidance counsellors, but initial placements were made by other staff in the Education Division.⁵²⁶ By 1964, the Winnipeg office employed separate counsellors for male and female students, each responsible for placements, supervision, and follow-up.⁵²⁷

⁵²⁰ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Report – Education Program – British Columbia and Yukon (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000027, p. 89].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R44-143-1971-eng.pdf INAC-HQ.

⁵²¹ Guidance Manual [Draft], January 1967 [NEL-001847[01-01]]. 511/25-17, Vol. 2, 09/13/1965-08/17/1969, Indian Education Pupil Guidance, Perm. Vol. 13677, F.A. 10-158, LAC – Winnipeg.

⁵²² René E. Carrière to the Guidance Counsellor in charge, Abitibi, January 10, 1968 [PBQ-001610]. RG 10, Accession 2002-00101-4, Box 66, File 301/23-3 Part 3 From Sept 67 to Juillet 68 Library and Archives Canada.

⁵²³ New to Vancouver – An Information Booklet for Students, June 26, 1958 [VAN-045385[01-01], p. 6]. 25-8, Pt. 4, 07/01/1958-06/30/1959, Tuition grants, Acc. 1989-90/101, Box 41, F.A. 10-151, LAC-Vancouver.

⁵²⁴ Guide for Students and Landladies, 1960 [VAN-047745]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa, p. 3; and W. F. Walcer, Teacher Counsellor, Monthly Report for December and January, January 1961 ca. [FBH-000724]. RG 10 Volume 10416 File 118/23-1 Library and Archives Canada.

⁵²⁵ Saskatchewan E.A. Student's and Landlady's Handbook, 1960 ca. [VAN-047750, pp. 2-3]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁵²⁶ Winnipeg Student's Hand Book, 1960 [VAN-047747, p. 5]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁵²⁷ Specific duties of each member of education staff at Regional Office, December 1, 1964 [FBH-000232[01-01], p. 2]. A third teacher-counsellor with similar duties was added to the staff in March 1965. See Regional School Superintendent, Manitoba, to Director, Education Services, March 5, 1965 [FBH-000232[00-01]]. Both in 501/1-13-300 Vol 1 1963-65 INAC – NCR Region. The program at The Pas also had separate counsellors for boys and girls. Guide for Students and Landlords September

Students in the North Bay (ON) program were instructed to discuss problems with the boarding home operator, the teacher counsellor, IAB staff, or their school counsellor, and encouraged to contact the teacher counsellor first.⁵²⁸ The earliest report from a Teacher Counsellor in Quebec found to date is from November 1964.⁵²⁹

Education Services created the position of “teacher counsellor” by 1965 to identify staff providing additional resources for Indigenous students, beyond regular guidance services in non-federal schools.⁵³⁰ Draft guidelines written the following year distinguished between guidance counsellors, responsible for students in Grades 1 to 13, and vocational counsellors, who supervised students in post-school or specialized programs.⁵³¹

The new guidelines were approved in April 1967. The role of guidance counsellors focused mainly on coordinating with the student to supervise academic and personal matters, which in the case of boarding home students included liaison with the boarding home. Their list of duties included a focus on “orientation” for students moving from federal to non-federal schools, but there is no mention of the counsellors participating in placement decisions.⁵³² In October 1968, however, it was recommended that counsellors should take on this responsibility.⁵³³ Neither the new guidelines nor reporting forms were translated into French.⁵³⁴

1970 [VAN-046218, p. 3]. 511/25-17-094-The Pas, Pt. 1, 05/16/1968-04/11/1972, Indian Education – Pupil Guidance – The Pas, Perm. Vol. 13677, F.A. 10-158, LAC-Winnipeg.

⁵²⁸ Guide for Students and Landladies, Education Division, Indian Affairs Branch, North Bay, Ontario, June 24, 1965 [FBH-001250, pp. 4; 9]. RG 10 Volume 10668 File 81/25-8-8-3-1 [ED] Library and Archives Canada.

⁵²⁹ Léon Gagné, Teacher Counsellor, Pointe Bleue, November 23, 1964 [PBQ-001509]. RG 10, Accession 2002-00101-4, Box 66, File 301/23-3 Part 1 From Oct 64 to Juin 66 Library and Archives Canada.

⁵³⁰ R. F. Davey, Director, Education Services, June 7, 1965 [NCA-013117-0000]; and attached “Teacher Counsellors,” June 7, 1965 [NCA-013117-0001]. Both in RG10, Vol. 8597, File 1/1-13, pt. 7 Library and Archives Canada.

⁵³¹ Guidelines for the Vocational Training and Special Services Programs [Draft], March 14, 1966 [PBQ-002812[01-01]]. RG 10, Accession 2002-00101-4, Box 64, File 301/25-8-17 Part 1 Library and Archives Canada. The document is identified as a draft in the cover letter from R. F. Davey, Director, Education Services, to A. R. Jolicoeur, Regional School Superintendent, Quebec, March 14, 1966 [PBQ-002812[00-01]]. RG 10, Accession 2002-00101-4, Box 64, File 301/25-8-17 Part 1 Library and Archives Canada.

⁵³² Guidance Manual [Draft], January 1967 [NEL-001847[01-01]], pp. 7-9]. 511/25-17, Vol. 2, 09/13/1965-08/17/1969, Indian Education Pupil Guidance, Perm. Vol. 13677, F.A. 10-158, LAC – Winnipeg; and Head, Guidance Services, to J. C. Lawrence, District School Superintendent, Vancouver, April 3, 1967 [VAN-030336]. 901/25-17, NCR-O, Vol. 1, 01/01/1956-06/30/1970, EDUCATION – PUPIL GUIDANCE, UNC, NCR CFD/FRC, INAC-Ottawa.

⁵³³ Reporting of Meeting on Field Organization for the Administration and Supervision of the Student Residences and Private Home Placement, October 17, 1968 [NEL-001070[01-03], p. 3]. 1/25-8, Vol.

By 1968, guidance counsellors were recognized as full-time federal employees and Indian Affairs informed them that they would require certification.⁵³⁵ The Department recognized that the Boarding Home Program was a major component of the work of many counsellors. Unlike school-based guidance counsellors, Indian Affairs counsellors focused on “social or personal counselling” for students, as well as “supportive counselling” for boarding home operators.⁵³⁶ This work was divided between the “Sending Counsellor” based on the reserve and the “Receiving Counsellor” based in the centre where the boarding home and school were located.

Counsellors were the key point of contact between students, boarding homes, teachers, and parents. They also created and/or compiled many of the records on each student.⁵³⁷ By 1971, some districts were making efforts to employ Indigenous counsellors, including the reclassification of some positions from Education Counsellors to Social Counsellors.⁵³⁸ In February 1972, the Education Branch authorized all regions to convert vacant Education Counsellor positions to Social Counsellor positions.⁵³⁹ The job description for Education Counsellors recommended that candidates possess university degree in psychology or diploma in guidance and counselling, as well as a teacher’s

11, 00/00/1968-00/00/1969, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

⁵³⁴ R. Demers for A. R. Jolicoeur, Regional Superintendent of Education, to Study Directors and Teacher Counsellors, Quebec, October 26, 1966 [FBH-001900]. RG 10 Accession 2014-02388-3 Box 89 File 8888-84.Q.13 Part 1 Library and Archives Canada; and René E. Carrière to the Guidance Counsellor in charge, Abitibi, January 10, 1968 [PBQ-001610]. RG 10, Accession 2002-00101-4, Box 66, File 301/23-3 Part 3 From Sept 67 to Juillet 68 Library and Archives Canada.

⁵³⁵ Western Manitoba Education District Guidance Counsellors Workshop, December 9-11, 1968 [NEL-001840]. 511/25-17, Vol. 3, 09/09/1968-11/19/1969, Indian Education – Pupil Guidance, Perm. Vol. 13676, F.A. 10-158, LAC – Winnipeg.

⁵³⁶ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, p. 18]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

⁵³⁷ For a list of the types of records maintained, see Counsellors' Guide for All Saskatchewan Region Guidance Counsellors, April 30, 1971 [RCS-000484, pp. 6-7]. GRS Files, Box 10A, File 8 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

⁵³⁸ G. D. Cromb, Director, Education Branch, to all Regional Directors, Indian and Eskimo Affairs, April 30, 1971 [VAN-045808[00-02]]. 501/25-17, Pt. 2, 01/01/1971-12/31/1971, Indian Education – Pupil Guidance and Drop-out – General, Acc. 1986-87/083, Box 54, F.A. 10-131, LAC-Winnipeg.

⁵³⁹ P. E. Bisson, Eastern Education District, to A. F. Hiltz, Regional Superintendent of Personnel, Winnipeg Regional Office, November 19, 1971 [NEL-001905[00-01]]. 501/25-17, Vol. 1A, 02/01/1962-11/30/1971, Indian Education – Pupil Guidance – General, Acc. W1986-87/083, Box 54, F.A. 10-131 LAC – Winnipeg; and G. D. Cromb, Director, Education Branch, to all Regional Directors, February 7, 1972 [121739]. File 976/1-13, Vol. [?], 11/1971-03/1975.

certificate.⁵⁴⁰ For the Social Counsellor position, which specifically included administration of the Boarding Home Program, the suggested professional credential was a one-year training program for Indian counsellors.⁵⁴¹

In response to the recommendations of the 1976 Task Force on the Educational Needs of Native Peoples, DIAND established a Native Counsellor Training Program in 1977.⁵⁴² An assessment of the Native Counsellor Training Program in the 1990s, which included counsellors employed since 1972, found that about 60% of the Native counsellors they surveyed indicated that they worked with students in boarding home placements.⁵⁴³ This relatively low figure likely reflects the decreasing use of boarding home placements since the 1970s.

1. Case Load

In Quebec, vocational counsellors also served as guidance counsellors, including at least some who had responsibility for students in private boarding homes as well as all students in public schools and students in vocational training.⁵⁴⁴ New guidelines were prepared by early 1967, which allowed one guidance counsellor for every 60-75 boarding home students in high school and one for every 100 in elementary school.⁵⁴⁵ Feedback from one Superintendent in Manitoba suggested that this would be too heavy a case load, particularly for the high school students who required significant guidance services. He suggested that a light case load would allow for “constructive and possibly preventative guidance rather than destructive and corrective guidance.”⁵⁴⁶ The District Superintendent in Vancouver similarly expressed concern that the suggested case load was too heavy. He suggested that perhaps the supervision of the boarding home program had become “too personal a service” and that “if we didn’t hold both the

⁵⁴⁰ Education Counsellor, February 1972 ca. [121739A, p. 3]. File 976/1-13, Vol. [?], 11/1971-03/1975.

⁵⁴¹ Social Counsellor, February 1972 ca. [121739B, p. 4]. File 976/1-13, Vol. [?], 11/1971-03/1975.

⁵⁴² Arrole Lawrence, *An Evaluation of the Long Term Effectiveness of the Native Counsellor Training Program*, published by the Royal Commission on Aboriginal Peoples, 1994 [BHR-003023, p. 4].

⁵⁴³ Arrole Lawrence, *An Evaluation of the Long Term Effectiveness of the Native Counsellor Training Program*, published by the Royal Commission on Aboriginal Peoples, 1994 [BHR-003023, p. 65].

⁵⁴⁴ A. R. Jolicoeur, Regional School Superintendent, and R. L. Boulanger, Regional Director of Indian Affairs, to R. F. Davey, Director of Education Services, April 4, 1966 [PBQ-002811[00-01]]. RG 10, Accession 2002-00101-4, Box 64, File 301/25-8-17 Part 1 Library and Archives Canada.

⁵⁴⁵ Guidance Manual [Draft], January 1967 [NEL-001847[01-01], p. 3]. 511/25-17, Vol. 2, 09/13/1965-08/17/1969, Indian Education Pupil Guidance, Perm. Vol. 13677, F.A. 10-158, LAC – Winnipeg.

⁵⁴⁶ G. T. Ross, District School Superintendent, Clondeboye Education District, to F. Barnes, Head, Educational Guidance services, January 24, 1967 [NEL-001953]. 1/25-17, Vol. 3, 00/00/1966-00/00/1967, Headquarters – Indian education, pupil guidance – General, Acc. 1999-01431-6, Box 69, F.A. 10-379 LAC – Ottawa.

boarding parents and students' hands so much, then we might be able to implement some of the objectives you outline...."⁵⁴⁷

As a possible alternative, he proposed introducing "Counsellors' Aides." The Head of Guidance Services took up this suggestion and listed the possible duties of such an Aide, which would include "boarding home problems, of a non-professional nature." He also agreed with the concern that "we are being too protective and too paternalistic" in the supervision of the Boarding Home Program. Possibly, he considered, "more careful screening of students" was required.⁵⁴⁸

Davey reported that there was "still a severe shortage" of guidance counsellors as of August 1967.⁵⁴⁹ As of 1970, there were no staff in the Quebec Region specifically assigned to the program area of Transportation and Maintenance of Pupils, although there were 30 Education Counsellors and Placement Officers.⁵⁵⁰ In Dauphin, Manitoba, concerns were raised about the workload of counsellors, noting that they were responsible for the Boarding Home Program and also for all guidance counselling for students from ten reserves.⁵⁵¹

2. Communication with Students, Parents, and Boarding Homes

Counsellors were the primary point of contact between students and boarding home operators at one end and the home community at the other. The 1960 guide for the Saskatchewan program suggested that teacher counsellors would seek reports on students "now and then" and would get progress reports from the school three times a year.⁵⁵² The Winnipeg guide similarly suggested that guidance counsellors would contact the boarding home "now and then" for a report, but students were also warned that the boarding home was required to contact the guidance counsellor "if you keep

⁵⁴⁷ J. G. Lawrence, District Superintendent of Indian Schools, Vancouver, to F. Barnes, Head, Guidance Services, March 28, 1967 [VAN-030337]. 901/25-17, NCR-O, Vol. 1, 01/01/1956-06/30/1970, EDUCATION – PUPIL GUIDANCE, UNC, NCR CFD/FRC, INAC-Ottawa.

⁵⁴⁸ F. Barnes, Head, Guidance Services, to J. C. Lawrence, District School Superintendent, Vancouver, April 3, 1967 [VAN-030336]. 901/25-17, NCR-O, Vol. 1, 01/01/1956-06/30/1970, EDUCATION – PUPIL GUIDANCE, UNC, NCR CFD/FRC, INAC-Ottawa.

⁵⁴⁹ R. F. Davey, Director, Education Services, to All Regional and District School Superintendents, Education Division Letter No. 20, August 28, 1967 [WIN-077120]. LAC (WFRC) RG10 VOL. 13673 FILE 511-25-1.

⁵⁵⁰ Report – Education Program (Quebec), July 1970 [NCA-013848, pp. 12; 22]. RG22, Vol. 802, File 6-21-1, pt. 6, Enclosure Library and Archives Canada.

⁵⁵¹ Education of Indian Students – Dauphin, Manitoba, March 18, 1971 [DRS-033008-0000, p. 2]. RG10, Acc. W86-87/083, Box 054, File 501/25-17, Vol. 1A Library and Archives Canada – Winnipeg.

⁵⁵² Guide for Students and Landladies, 1960 [VAN-047745, pp. 6-7]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

late hours, neglect your studies or display any form of misbehaviour.”⁵⁵³ In 1971, the Saskatchewan Regional Office prepared a new guide for its counsellor program, which listed responsibilities to students, parents, teachers, boarding parents, and other groups. Counsellors were encouraged to focus on boarding home students at the beginning of the school year to support them during the transition. Under the list of services provided to parents, the guide included assistance in choosing schools and boarding homes. Guidance to boarding home operators included a requirement to review the Educational Assistance Program, with the help of the Indian Students’ Handbook, to “enlist support in stressing the need for good study habits, budgeting time and money,” assistance in resolving any problems, providing background information on each student, and providing the student with information about the boarding home.⁵⁵⁴ In Manitoba, there were complaints that boarding home operators were provided with no information about the students placed with them and that the counsellors did not visit the boarding homes enough.⁵⁵⁵

In one Quebec district, the counsellor reported meetings with all boarding home operators one day and all students the next, at which issues of general concern could be discussed. The counsellor reported that the students were happy to have this opportunity, although he provided no details on the topics discussed.⁵⁵⁶

In 1983, DIAND prepared new guidelines for the counsellor program in the Fort McMurray and Fort Vermilion Districts. DIAND recommended that counsellors should offer orientation to students, boarding home operators, and parents that addressed “cultural differences” and “keep in close contact with all students on the Boarding Home Program.” Counsellors were also tasked with forwarding all progress reports on the students to their parents.⁵⁵⁷

⁵⁵³ Winnipeg Student's Hand Book, 1960 [VAN-047747, p. 6]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁵⁵⁴ Counsellors' Guide for All Saskatchewan Region Guidance Counsellors, April 30, 1971 [RCS-000484, pp. 4-5]. GRS Files, Box 10A, File 8 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

⁵⁵⁵ Education of Indian Students – Dauphin, Manitoba, March 18, 1971 [DRS-033008-0000, p. 3]. RG10, Acc. W86-87/083, Box 054, File 501/25-17, Vol. 1A Library and Archives Canada – Winnipeg.

⁵⁵⁶ Annexe au Rapport de Conseiller Pédagogique – Mois de Septembre 1969 [FBH-001878, pp. 2-3]. RG 10 Accession 2014-02388-3 Box 269 File 8888-448.Q.41 371/25-1 Part 2 Library and Archives Canada.

⁵⁵⁷ Indian Affairs Counselling-Guidance Program for In-School and Post-School Students – Fort McMurray, Fort Vermilion, September 1983 [VAN-030233[01-01]]. E4730-1, Pt. 1, 01/04/1980-01/04/1985, Education – Counselling, Acc. 1997-98/179, Box 59, F.A. 10-200, LAC-Ottawa.

3. Rules and Disciplinary Measures

The staff running boarding home programs in various centres generally instructed boarding home operators to handle most discipline issues themselves. Boarding home operators in the Sault Ste. Marie program were advised to impose “kind, but firm” discipline on the students who boarded with them. The boarding home operators were told to “insist on” regular attendance at activities, punctuality, two hours a day of homework, one night a week for activities, assistance with housework, personal cleanliness, and other details.⁵⁵⁸ Research to date indicates that the 1970 program guidelines specified for the first time that corporal punishment was not permitted.⁵⁵⁹

In one Quebec region, boarding home operators reported that some of their students were using drugs and the counsellor asked the police to investigate, but was told that because they were using substances like glue and nail polish, there was nothing the police could do. At the request of the counsellor, a police officer convened an information meeting to inform the students about the negative consequences of drug use. The counsellor reported that this had some effect, although some students continued to use these drugs. They were given written warnings, as were four boys caught with alcohol.⁵⁶⁰

In the Sault Ste. Marie program, additional rules for girls only included responsibility for their own laundry and an earlier curfew. Boarding home operators were to be given additional funds to pay for washing the clothes of boys, but not girls.⁵⁶¹ The North Bay student’s guide also expected girls to take care of their own laundry and instructed girls that “if you should be invited out by a boy, have him come to your [boarding] home to

⁵⁵⁸ Handbook for Boarding Home Parents – Sault Ste. Marie. Ontario – School Year 1962-1963 [SWK-001985, pp. 6; 11]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto. Similar instructions can be found in the 1965 North Bay handbook [FBH-001250, p. 5]. RG 10 Volume 10668 File 81/25-8-3-1 [ED] Library and Archives Canada.

⁵⁵⁹ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970 revised October 1970 and July 1971 [VAN-045033, p. 16]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

⁵⁶⁰ Annexe au Rapport de Conseiller Pédagogique – Mois de Septembre 1969 [FBH-001878, p. 3]. RG 10 Accession 2014-02388-3 Box 269 File 8888-448.Q.41 371/25-1 Part 2 Library and Archives Canada.

⁵⁶¹ Handbook for Boarding Home Parents – Sault Ste. Marie. Ontario – School Year 1962-1963 [SWK-001985, pp. 2; 10-12]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto.

meet your [boarding house] family.”⁵⁶² This division of rules for boys and girls appears to have been somewhat unusual, although not unique to this region.⁵⁶³

Requirements for homework found in guides from the 1960s generally suggested two hours a day, at least for high school students. Guides in the 1970s were more flexible, advising for example that students establish “some form of study schedule which will suit them.” The recommended amount of time was still two hours a day for Grades 9 to 11, with three or four hours suggested for Grade 12 students and one hour a day for those in elementary school. This same guide warned students, in all caps:

SOMETIMES IT IS NECESSARY FOR US TO SEND A STUDENT HOME WHO IS NOT WILLING TO KEEP REGULAR HOURS AND GOOD BEHAVIOUR. YOU WOULD BE WISE TO CO-OPERATE WITH YOUR HOUSEMOTHER BY FOLLOWING RULES OF GOOD CONDUCT.⁵⁶⁴

As this example suggests, the main disciplinary approach employed was the threat of being sent home. This was expressed in different ways depending on the individual program. A booklet in 1958, aimed at students in a vocational training program in Vancouver, advised the students that “sometimes we have to send home a student who is not willing to keep regular hours and good behavior. You would be wise to co-operate with your landlady by following good rules of conduct.”⁵⁶⁵ The Sault Ste. Marie handbook stated, “misdemeanor will not be tolerated and could result in the student being removed from school and sent home.”⁵⁶⁶

A handbook for students and boarding home operators distributed in The Pas in 1970 suggested that educational assistance was linked to academic results, but that it could be continued “when there is evidence that he has worked diligently even though he may have failed a subject or two.” This guide also suggested that students could lose their place in the Boarding Home Program if they failed to observe a curfew or consumed

⁵⁶² Guide for Students and Landladies, Education Division, Indian Affairs Branch, North Bay, Ontario, June 24, 1965 [FBH-001250, pp. 8; 10]. RG 10 Volume 10668 File 81/25-8-8-3-1 [ED] Library and Archives Canada.

⁵⁶³ For example, see Supervisor of Indian Students, Edmonton, November 27, 1961 [VAN-030031, p. 3]. 701/25-8, Pt. 1, 12/01/1959-12/31/1969, Educational assistance – General, Acc. 1985-86/137, Box 9, F.A. 10-135, LAC-Ottawa.

⁵⁶⁴ Student Handbook [Brandon], June 3, 1975 [FBH-005160, pp. 5-6]. RG 10 Accession 2001-01046-X Box 6 File 578/25-8 Part 1 Library and Archives Canada.

⁵⁶⁵ New to Vancouver – An Information Booklet for Students, June 26, 1958 [VAN-045385[01-01], p. 5]. 25-8, Pt. 4, 07/01/1958-06/30/1959, Tuition grants, Acc. 1989-90/101, Box 41, F.A. 10-151, LAC-Vancouver.

⁵⁶⁶ Handbook for Boarding Home Parents – Sault Ste. Marie. Ontario – School Year 1962-1963 [SWK-001985, p. 10]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto.

alcohol, although “depending on attitude, he may redeem himself after discussing the matter with the counsellor.”⁵⁶⁷ Similar examples can be found in other regions.⁵⁶⁸

Possibly related, a review of the boarding home policy in 1968 recorded a question from the floor requesting a decision as to whether special permission was required to move a student from a boarding home to a student residence.⁵⁶⁹

Another disciplinary measure was the forfeiture of a student’s allowance money. In North Bay, students were advised that if they left their boarding home for a weekend or did not return promptly after a holiday, they could lose their clothing allowance or their personal allowance. Some or all of the personal allowance could also be withheld if a student missed school or for “causing concern and inconvenience to your boarding home parents or to agency staff.”⁵⁷⁰ In the Brandon District, students were warned that if they did not pay for their long-distance calls, or if they moved without giving two weeks’ notice, the amounts owing could be deducted either from their allowance or from their pay, if they were enrolled in the Earned Income Program.⁵⁷¹

4. Inspection

The inspection of boarding homes is not well-documented in the existing document collection. For example, a guidance counsellor might report that a certain number of boarding homes had been inspected, but without providing any details.⁵⁷² A report from

⁵⁶⁷ Guide for Students and Landlords September 1970 [VAN-046218, pp. 1-2]. 511/25-17-094-The Pas, Pt. 1, 05/16/1968-04/11/1972, Indian Education – Pupil Guidance – The Pas, Perm. Vol. 13677, F.A. 10-158, LAC-Winnipeg.

⁵⁶⁸ See for example Guide for Students and Landladies, 1960 [VAN-047745, p. 7]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa; Winnipeg Student's Hand Book, 1960 [VAN-047747, p. 7]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa; Saskatchewan E.A. Student's and Landlady's Handbook, 1960 ca. [VAN-047750, p. 10]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa. Guide for Students and Landladies, Education Division, Indian Affairs Branch, North Bay, Ontario, June 24, 1965 [FBH-001250, p. 5]. RG 10 Volume 10668 File 81/25-8-8-3-1 [ED] Library and Archives Canada.

⁵⁶⁹ Reporting of Meeting on Field Organization for the Administration and Supervision of the Student Residences and Private Home Placement, October 17, 1968 [NEL-001070[01-03], p. 5]. 1/25-8, Vol. 11, 00/00/1968-00/00/1969, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

⁵⁷⁰ Guide for Students and Landladies, Education Division, Indian Affairs Branch, North Bay, Ontario, June 24, 1965 [FBH-001250, pp. 10; 13]. RG 10 Volume 10668 File 81/25-8-8-3-1 [ED] Library and Archives Canada.

⁵⁷¹ Student Handbook [Brandon], June 3, 1975 [FBH-005160, p. 12]. RG 10 Accession 2001-01046-X Box 6 File 578/25-8 Part 1 Library and Archives Canada.

⁵⁷² See for example J. D. Roberts, Guidance Counsellor, to District Superintendent of Schools, Edmonton-Hobbema District, January 22, 1969 [FBH-007445[00-02]]. RG 10 Accession 1 999-01431-6 Box 67 File 1/25-8 Part 11 Library and Archives Canada; and Bev Randell, Counsellor, Counsellor’s

an unidentified school district in Alberta dating from 1967 stated that “complaints are investigated promptly.”⁵⁷³

5. Accountability

Guidance counsellors were appointed by Regional and District School Superintendents, who were their immediate superiors in the organization of the Education Division.⁵⁷⁴ The Education Division conducted annual evaluations of the work of District School Superintendents. These were prepared by Regional School Superintendents or their assistants. One of the four areas to be assessed was “guidance services.”⁵⁷⁵ A questionnaire on boarding home placements to be completed in June 1967 asked for information on the number of elementary and secondary students, costs, statistics on academic progress, information on how boarding homes were selected and supervised, the need for the program in the present and the future, and an assessment of the success of the program.⁵⁷⁶

When the position of Social Counsellor was created to supervise the Boarding Home Program, supervision was again in the hands of the District School Superintendent.⁵⁷⁷ For more information on the chains of communication within the Education Division, see Sections 2.4 and 2.5.

6. Regional Variations

Some students from the region of Abitibi in Quebec went to schools in Ontario. The policy was that all students placed in Sault Ste. Marie were supervised by an Education Assistant at the Sault Ste. Marie District Office, who was responsible for finding their boarding homes and regularly checking in with the students. The Sault Ste. Marie District School Superintendent reported to the Abitibi Superintendent in May 1962 that “the students have fitted into their new homes remarkably well.” The report suggests that the students were babysitting for the boarding homes, stating, “The students find

Monthly Report, October 14, 1970 [VAN-030270]. 773/23-3-1-E3, Pt. 1, 09/01/1970-06/30/1971, Counsellor's Monthly Report – B. Randell, Acc. 1994-95/653, Box 48, F.A. 10-463, LAC-Ottawa.

⁵⁷³ Questionnaire re Boarding Home Placement, May 16, 1967 [VAN-030044, p. 1]. 701/25-17, Pt. 3, 09/01/1966-05/31/1969, Pupil guidance, Acc. 1985-86/137, Box 20, F.A. 10-135, LAC-Ottawa. The district may have been Lethbridge, Alberta, based on information under points (f) and (h) on p. 2.

⁵⁷⁴ Guidance Manual [Draft], January 1967 [NEL-001847[01-01], p. 3]. 511/25-17, Vol. 2, 09/13/1965-08/17/1969, Indian Education Pupil Guidance, Perm. Vol. 13677, F.A. 10-158, LAC – Winnipeg.

⁵⁷⁵ R. F. Davey, Director, Education Services, to All Regional and District School Superintendents, Education Division Letter No. 2, August 24, 1966 [WIN-012538]. LAC (WFRC) RG10 VOL. 13662 FILE 511-23-5-General.

⁵⁷⁶ Questionnaire re Boarding Home Placement, May 16, 1967 [VAN-030044]. 701/25-17, Pt. 3, 09/01/1966-05/31/1969, Pupil guidance, Acc. 1985-86/137, Box 20, F.A. 10-135, LAC-Ottawa.

⁵⁷⁷ Social Counsellor, February 1972 ca. [121739B, p. 5]. File 976/1-13, Vol. [?], 11/1971-03/1975.

people depending on them and trusting them alone in their homes and with their young children.”⁵⁷⁸ In February 1965, however, the Teacher Counsellor for Abitibi reported that they knew nothing about the boarding home students, suggesting that possibly a counsellor in Ontario was in touch with them.⁵⁷⁹

In 1973, Inuit students from Ungava Bay requested an Inuit counsellor, because they found it very hard to communicate with their supervisor.⁵⁸⁰

⁵⁷⁸ R. E. Bean, District School Superintendent, Sault Ste. Marie, to the Superintendent, Abitibi Agency, May 2, 1962 [PBQ-000802[00-01]]. RG 10, Accession 2006-00588-X, Box 19, File 371/25-8-8 Sault Ste Marie Part 64 Library and Archives Canada.

⁵⁷⁹ M. St-Amant, Teacher Counsellor, Annexe au [sic] rapports A-17, A-18 et A-19, February 2, 1965 [PBQ-000539, p. 2]. RG 10, Accession 2006-00588-X, Box 18, File 371/25-8 Part 4 Library and Archives Canada.

⁵⁸⁰ “Meeting between Northern Quebec Inuit Association and Inuit Students of Northern Quebec held on January 13, 3:00 P.M. at I.T.C. office Ottawa” [ISP-001320[01-01]]. Accession No 81-8 01/1973-01/1976 File QUE-V 375-25-1 FRC – Quebec City.

7. Parental, Community, and Band Involvement

Despite the fact that boarding homes policy directives regularly required parents to make a financial contribution to boarding homes expenses, it does not appear that there was any mechanism or requirement to seek parental consent for a boarding home placement in the initial program.

In 1973, DIAND approved funding for the Lake Manitoba Band to hire a Home-School Coordinator.⁵⁸¹ The job description that DIAND proposed the Band use included responsibility for determining the eligibility of students for the Boarding Home Program, completing Educational Assistance applications, acting as liaison between students and their home communities, and assisting in problem resolution. The position would be supervised by the Manitoba Education Office of DIAND, with additional supervision by the school principal and an Area Coordinator of Counselling Services, and direction from the local school community.⁵⁸²

1. Selection of Students

The basic application form for Educational Assistance used in the 1960s, IA-47, did not require parental consent, nor did it include any evidence of parental participation in the application, such as a signature.⁵⁸³ In 1966, officials in Manitoba used a form designed for transfers between residential schools to obtain consent to move one child into a private boarding home.⁵⁸⁴ By 1967, “basic permission forms” in Alberta providing parental consent for children to attend public schools and live in private boarding homes were used in, at least, Blood/Peigan District for the 1967-68 school year.⁵⁸⁵

During a review of boarding homes policy in 1968, one of the “suggestions from the floor” was that “the Indian people should have some say in selecting students for the

⁵⁸¹ R. H. Penner, Acting Superintendent of Student Services, to Chief George Swan, Lake Manitoba Band, April 30, 1973 [MCL-02079[00-01]]. INAC, MRO, FILE NCR-O 501/3-1-13 (UNC), VOL 1.

⁵⁸² Position Title: Home-School Coordinator, January 26, 1973 [MCL-02079[01-01]]. INAC, MRO, FILE NCR-O 501/3-1-13 (UNC), VOL 1.

⁵⁸³ See for example Application for Educational Assistance – Wynne [Kitchiekeesic], Ada, August 14, 1961 [FBH-013497]. RG 10 Volume 8773 File 492/25-8 Part 1 Library and Archives Canada.

⁵⁸⁴ Parent's or Guardian's Approval of Transfer of Student to Residential Schools, September 1, 1966 [NEL-001854[01-01]]. 501/25-8-Eastern, Vol. 1, 09/01/1966-09/30/1971, Indian Education – Educational Assistance – Eastern, Acc. W1986-87/083, Box 26, F.A. 10-131, LAC – Winnipeg.

⁵⁸⁵ See for example Statement of Parental Permission re Jeanne Joanne SIMEON – Chiniquay No 180 – Birthdate 3-6-53 – Religion – United, June 30, 1968 [VAN-030249]. 772/25-8-8, Pt. 1, 09/1966-06/1968, Education Assistance – Non-Indian Schools, Acc. 1997-98/161, Box 143, F.A. 10-437, LAC-Ottawa.

boarding home program.”⁵⁸⁶ A similar suggestion was raised during a training workshop for guidance counsellors in Manitoba two months later.⁵⁸⁷ In B.C., one District Superintendent reported in 1969 that parents of Grade 7 students were learning about the program from other families and as a result were asking “more pointed questions” such as whether siblings could board together or whether they could request a particular counsellor. The Superintendent also recommended that the Superintendent in Vancouver might visit in the fall as well as the spring. This would be useful for both students and parents, since it was in the fall that the parents were “most anxious to know how their children are getting along.”⁵⁸⁸

In 1971, DIAND staff in the Manitoba Region proposed creating “Boards of Management” with community representation and responsibilities that would include:

- Approval of all transfers of students between education programs
- Approval of all boarding home operators
- Consideration of resolutions and recommendations from students
- Investigation of complaints about the Boarding Home Program.⁵⁸⁹

According to a 1971 report on the Education Program, parents often made the initial request for a boarding home placement and were involved in the selection of the home:

The Indian parent or guardian who wishes his or her child to be placed in the boarding home program initiates the request for assistance and signs the application. When this procedure is not possible due to special circumstances, teachers, counsellors, or the student, if he is an adult, may initiate the request for boarding home placement. The Counsellor then arranges an interview with the parent or guardian, and/or student, in order to assess the reasons given for the request.

⁵⁸⁶ Reporting of Meeting on Field Organization for the Administration and Supervision of the Student Residences and Private Home Placement, October 17, 1968 [NEL-001070[01-03], p. 5]. 1/25-8, Vol. 11, 00/00/1968-00/00/1969, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

⁵⁸⁷ Western Manitoba Education District Guidance Counsellors Workshop, December 9-11, 1968 [NEL-001840, p. 3]. 511/25-17, Vol. 3, 09/09/1968-11/19/1969, Indian Education – Pupil Guidance, Perm. Vol. 13676, F.A. 10-158, LAC – Winnipeg.

⁵⁸⁸ D. W. Smith, District Superintendent of Indian Schools, Fort Rupert, to C. E. Johnson, District School Superintendent, Vancouver, March 7, 1969 [VAN-020227]. 911/25-8-21, Pt. 3, 01/01/1969-12/31/1970, Lower Mainland Boarding Program Survey, Acc. 1985-86/453, Box 1, F.A. 10-137, LAC-Vancouver.

⁵⁸⁹ J. R. Wright, District Superintendent of Education, to Administrators, Guidance Counsellor Coordinators, and School Committee Chairman, March 10, 1971 [BRS-000981-0001]. File 501/25-13, Vol. 1 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

Requests will be granted according to need on the basis of a number of priorities.

The parents or guardians of the student and the students themselves should be responsible for the selection of the boarding home. They should meet the boarding home parents, approve the accommodation, and provide the boarding home with any information, such as food allergies, that may assist both the boarding home parents and the child in adjusting to the new situation.

If the parents or guardians cannot visit the school centre where the boarding home is located, the Counsellor assumes the responsibility for the selection of the boarding homes and the successful placement of the student. In these cases, the Counsellor must ensure that the parents or guardians know where and with whom their child is staying throughout the school year.

The Counsellor will ensure that any provincial or municipal standards regarding the physical requirements of boarding homes are met. The program requires the provision of guidance and social and personal counselling to the students on an individual or group basis.⁵⁹⁰

2. Selection of Homes

The level of parental involvement in the selection of homes varied from region to region and even district to district. In Saskatchewan, students were advised that their parents should be involved in making arrangements “through your Agency Office and Teacher-Counsellor.”⁵⁹¹ In the 1962 Akaitcho Hall Boarding Home Program, parental involvement was limited to a confirmation of “parental acceptance” of the placement.⁵⁹² Parents in the Georgian Bay area were provided with a form they could use to indicate the boarding home of their choice. The form allowed the parents to identify a first and

⁵⁹⁰ Indigenous and Northern Affairs Canada, Program Information Center – Report on the Education Program (Ottawa: Department of Indian Affairs and Northern Development, 1971) [FBH-000007, p. 45]. http://publications.gc.ca/collections/collection_2017/aanc-inac/R5-287-1971-eng.pdf INAC-HQ.

⁵⁹¹ Guide for Students and Landladies, 1960 [VAN-047745, p. 5]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁵⁹² Akaitcho Hall Boarding Home Program [AHU-002895, p. 3]. Akaitcho Hall Misc. [Handbook], 1987-1992 Transfer No. 1530, Box 18 Government of Northwest Territories – Education, Culture and Employment.

second choice.⁵⁹³ The Regional Superintendent reported in 1970 that there was “insufficient Indian parental involvement.”⁵⁹⁴

The 1970 program guidelines suggested that it would be ideal for parents and students to choose boarding homes, but that “unfortunately, it is not always possible for the parents or guardians of the student to visit the school centre, particularly when their homes are in the more remote areas.” In these cases, placement decisions were made by the counsellor and the parents were simply informed of the identity and location of the boarding home.⁵⁹⁵ Where possible, counsellors were instructed to visit reserves and meet with parents to explain the Boarding Home Program and other resources that would be available to the students.⁵⁹⁶ The list of tasks for counsellors included the requirement to inform the parents, but nothing about arranging for parents to visit or meet potential boarding home operators.⁵⁹⁷

The idea of creating a committee that included Indigenous people to supervise boarding home placements was discussed in Saskatchewan; it was suggested that this would relieve some of the responsibilities of guidance counsellors.⁵⁹⁸

In the Ontario James Bay District, Education staff solicited feedback from parents in 1973 and found that they were primarily concerned to avoid breaking up family groups. A report in April 1973 noted, “those who do not have their own relatives available as boarding parents want no part of the idea of boarding their children in the

⁵⁹³ W. B. Gibb, Guidance Counsellor, Georgian Bay Inspectorate, to [blank], October 20, 1965 [FBH-009918[00-01]]; and attached form, October 20, 1965 [FBH-009919[01-01]]. Both in RG 10 Accession 1999-01431-6 Box 159 File 475/25-8 [Christian Island] Part 3 Library and Archives Canada.

⁵⁹⁴ Report – Education Program (Quebec), July 1970 [NCA-013848, p. 80]. RG22, Vol. 802, File 6-21-1, pt. 6, Enclosure Library and Archives Canada. The same information is found in the reports for other regions produced at the same time. See for example Report – Education Program (Saskatchewan) [FBH-000005, p. 88].

⁵⁹⁵ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970, revised October 1970 and July 1971 [VAN-045033, p. 15]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

⁵⁹⁶ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970, revised October 1970 and July 1971 [VAN-045033, p. 22]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

⁵⁹⁷ Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students, April 30, 1970, revised October 1970 and July 1971 [VAN-045033, pp. 22-27]. 701/25-8, Pt. 10, 05/01/1970-03/31/1972, Educational assistance – General, Acc. 1985-86/137, Box 10, F.A. 10-135, LAC-Ottawa.

⁵⁹⁸ Counsellors' Guide for All Saskatchewan Region Guidance Counsellors, April 30, 1971 [RCS-000484, p. 12]. GRS Files, Box 10A, File 8 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

community.”⁵⁹⁹ A second report six months later explained that two families had tried boarding homes in the previous year and rejected them, three families had children in boarding homes that they approved, and nine families “rejected the idea of boarding homes completely.” The child care worker stated that some families might be willing to try boarding homes if the children were not separated and if the parents were able to inspect and approve of the boarding home in advance.⁶⁰⁰

In 1979, a Native Friendship Centre appears to have been in charge of soliciting boarding home applicants in one B.C. district.⁶⁰¹ At an RCAP hearing in Fort St. John in 1992, one speaker reported that the preference was to place students in Indigenous homes.⁶⁰²

3. Communication Between Students and Parents

Students in the Akaitcho Hall Boarding Home Program were permitted one eight-minute phone call home per month, which had to be scheduled in advance with the program coordinator.⁶⁰³ At Sault Ste. Marie and North Bay, all telephone calls by students were limited to five minutes.⁶⁰⁴ In Winnipeg and Saskatchewan, students were advised that local calls were to be limited to three minutes and no long-distance calls should be made because they were “very expensive” and the student would be required to pay for them.⁶⁰⁵ A student handbook dating from 1975 advised students to notify the boarding

⁵⁹⁹ Lauder Smith, Child Care Worker, Horden Hall Residence, Moose Factory, to District Supervisor, James Bay District, April 25, 1973 [MFI-000078-0001, p. 2]. File 486/25-13-2 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

⁶⁰⁰ “Parents Views -October 1973,” Lauder Smith, Child Care Worker, Horden Hall Residence, Moose Factory, to District Supervisor, James Bay District, April 25, 1973 [MFI-000078-0002, p. 2]. File 486/25-13-2 INAC – Resolution Sector – IRS Historical Files Collection – Ottawa.

⁶⁰¹ Cheryl Brooks, Executive Director, Quesnel Tillicum Society Native Friendship Centre, July 13, 1979 [JOE-026127-0000]. 989/25-13, vol. 1, Indian Education-Student Residence British Columbia 10/09/73-04/14/81, [98-B-10], IRSRHFC.

⁶⁰² Royal Commission on Aboriginal Peoples (RCAP), Fort St. John, B.C., November 19, 1992 [hearing transcript] [BHR-003024, p. 46]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&IdNumber=85&q=royal%20commission%20fort%20st.%20john>.

⁶⁰³ Akaitcho Hall Boarding Home Program [AHU-002895, p. 5]. Akaitcho Hall Misc. [Handbook], 1987-1992 Transfer No. 1530, Box 18 Government of Northwest Territories – Education, Culture and Employment.

⁶⁰⁴ Handbook for Boarding Home Parents – Sault Ste. Marie. Ontario – School Year 1962-1963 [SWK-001985, p. 12]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto; and Guide for Students and Landladies, Education Division, Indian Affairs Branch, North Bay, Ontario, June 24, 1965 [FBH-001250, p. 7]. RG 10 Volume 10668 File 81/25-8-8-3-1 [ED] Library and Archives Canada.

⁶⁰⁵ Winnipeg Student’s Hand Book, 1960 [VAN-047747, p. 6]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa; and Saskatchewan E.A. Student’s and Landlady’s

house operators before making a long-distance call and explained that the students would be required to pay the cost.⁶⁰⁶ A handbook dated 1988 advised students to “maintain reasonable telephone habits,” and to seek permission to make long-distance calls.⁶⁰⁷

In 1973, one group of parents asked that boarding homes with young children should communicate with them through letters.⁶⁰⁸

In the other direction, in 1960 parents were advised to contact the boarding home or a local IAB counsellor if their children were not going to return to the boarding home or school when they were expected.⁶⁰⁹ In 1988, parents in Ontario were advised to communicate with the boarding home and visit their children “as often as possible.”⁶¹⁰

4. Resolution of Problems

One Band Council in Quebec summoned a teacher counsellor and the head of a student residence to a meeting on the reserve in November 1969 to discuss several problems relating to education, including the fact that a number of students placed in residence and boarding homes had returned to the reserve. After an initial meeting with the Band Council, a meeting with all the parents of students enrolled in schools at Amos was organized, with a Band Councillor acting as interpreter. While the head of the student residence was familiar with the community, this was the first time the teacher counsellor had met the council and parents.⁶¹¹

Handbook, 1960 ca. [VAN-047750, p. 4]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁶⁰⁶ Student Handbook [Brandon], June 3, 1975 [FBH-005160, p. 5]. RG 10 Accession 2001-01046-X Box 6 File 578/25-8 Part 1 Library and Archives Canada.

⁶⁰⁷ Native Students' Handbook [Boarding Home Program], September 21, 1988 [FBH-000140, p. 3]. 4906-1 Vol 1 05-88-8/91 INAC – ON Region.

⁶⁰⁸ Ralph Paul, Education Counsellor, to Mr. Mihaychuk, Area Co-ordinator, August 8, 1973 [VAN-079473]. 501/25-8-090G, Pt. 1, 04/10/1972-10/31/1975, Education G.S. – Indian Education – Educational Assistance – Winnipeg Guidance Office, Acc. 2001-01035-4, Box 19, F.A. 10-481, LAC-Winnipeg.

⁶⁰⁹ Indian Student's Handbook, 1960 ca. [VAN-047749, p. 6]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa.

⁶¹⁰ Native Students' Handbook [Boarding Home Program], September 21, 1988 [FBH-000140, p. 5]. 4906-1 Vol 1 05-88-8/91 INAC – ON Region.

⁶¹¹ G. Labonté, Teacher Counsellor, Rapport Détaillé du Conseiller Pédagogique – Amos – Mois de Novembre 1969 [FBH-001875, p. 1]. RG 10 Accession 2014-02388-3 Box 269 File 8888-448.Q.41 371/25-1 Part 2 Library and Archives Canada.

5. Placement of Residential School and Day-School Students in Homes on Reserve

In 1971, it was reported that 13 students in Grades 1 to 9 were being boarded with families on the Blackfoot Reserve. These children were students at non-federal schools. A note explained, “no other suitable living accommodation available.”⁶¹² A report on one of these placements described the home as a “foster Blackfoot family.”⁶¹³ A small number of students in North-western Ontario were reported to be boarded “on-reserve” in 1973-74 and 1974-75. These students appear to have been enrolled in non-federal schools.⁶¹⁴

By 1973, the statistical returns for federal schools included a requirement to document the number of students in the Boarding Home Program who were living in homes on reserve (“Maintenance of Pupils (On-Reserve)”).⁶¹⁵

6. Regional Variations

A 1972 report on placements of students from the Ungava District pointed to some specific problems facing Inuit students and their parents:

Several individuals pointed to the sacrifices entailed in having their children away from home for long periods. This they are willing to accept if they can see results. They recognized that the students get homesick and also that communication with them is not easy. The fathers bitterly resent the students writing or telephoning and upsetting the mothers. The parents are then faced with the dilemma

⁶¹² J. R. Muir, Coordinator of Counselling, Blackfoot/Stoney/Sarcee District, to Regional Director, Alberta, December 31, 1971 [BSS-002462]. 4785-0 09/1971 -01/1973, Vol.3, CR Alberta. INAC – AB Regional Records Office – Edmonton.

⁶¹³ Student on Educational Assistance Progress Report, February 29, 1972 [VAN-060483]. 772/25-8-8, Pt. 3, 11/1970-10/1976, Education Assistance – Non-Indian Schools, Acc. 1997-98/161, Box 143, F.A. 10-437, LAC-Ottawa.

⁶¹⁴ Statistical Returns, 1973-1974, October 18, 1973 [FBH-003340[01-01], p. 2]. RG 10 Accession 2014-02388-3 Box 137 File 8888-211.11 Part 1 Library and Archives Canada; and Statistical Returns, 1974-1975, April 24, 1975 [FBH-003272, p. 3]. RG 10 Accession 2014-02388-3 Box 137 File 8888-211.11 Part 1 Library and Archives Canada.

⁶¹⁵ “Guidelines – Statistical Returns, September 21, 1973 [FBH-003341[01-03]]. RG 10 Accession 2014-02388-3 Box 137 File 8888-211.11 Part 1 Library and Archives Canada.

of deciding, with perhaps few clues as to the actual circumstances, whether or not to authorize their child's return home.⁶¹⁶

The students strongly expressed their feelings of homesickness and isolation and asked for more contact with other Inuit. This included access to Inuit counsellors; the report suggested that if the students could speak to Inuit counsellors, they would more readily discuss their problems. Both parents and students suggested that a group home would be preferable to placements in individual boarding homes. The parents also wanted local schools to be extended to at least Grade 9 and were "strongly opposed" to students under the age of 15 being boarded in the south.⁶¹⁷ The Northern Quebec Inuit Association, who also contributed to this report, pointed to the cultural challenges the students faced, and offered to assist in making more country food available to students.⁶¹⁸ The report expressed concern that many of the boarding home operators expressed a defeatist attitude towards the students and the challenges they faced.⁶¹⁹ Recommendations included the establishment of group homes with at least some Inuit involvement in management, the addition of Inuit counsellors and at least one Inuk woman counsellor, more communication between counsellors and home communities, no placements of children under the age of 15, more social events, a review of the allowances program, and cooperation with the Northern Quebec Inuit Association to provide students in the south with country food.⁶²⁰

⁶¹⁶ A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, p. 7]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

⁶¹⁷ A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, pp. 5-7]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

⁶¹⁸ A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, pp. 11-12]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

⁶¹⁹ A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, p. 13]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

⁶²⁰ A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, p. 16]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

8. Welfare of Boarders

Specific information on the welfare of students placed in boarding homes can be difficult to find. Reports submitted by counsellors often reference problems with boarding home placements in general terms, without explaining the nature of the issue. Sometimes this is because the counsellor was not in fact aware of the details. For example, two sisters were sent to boarding homes in Quebec in September 1969. One of them went home, and soon after the girls' mother came and removed the second girl. The counsellor reported, "I don't know what she could have said to her parents but her mother came to get her several days after Louise arrived. It was impossible to find out why or to do anything."⁶²¹

1. Physical Health and Medical Treatment

While most aspects of student welfare were managed by education staff, as discussed in Section 6 above, medical information and decisions were the responsibility of Indian Health Services (IHS), so both students and boarding home operators were directed to IHS staff for all medical issues.⁶²²

Early in 1969, a boarding home operator in the Kamloops area (B.C.) complained that she was not able to obtain necessary health and clothing supplies for children in her home. She reported that she had worked as a foster parent for multiple agencies and had never experienced these problems, asserting that "we can't get anything for these children without a fight and months of waiting." The unmet medical needs included chest x-rays for tuberculosis, medication to treat conjunctivitis, replacement teeth, eyeglasses, and treatment for a suspected ovarian cyst.⁶²³ The Regional Director for the Pacific Region investigated the claims and found that chest x-rays had been taken. He commented that this misunderstanding would not have arisen if the boarding home operator had been shown each child's "health card." In his opinion, this was a responsibility of the counsellor. Other problems were blamed on pharmacists unwilling to explain how to submit claims, delays in obtaining medical insurance, and confusion

⁶²¹ Translation by JHA of the original, « Je ne sais pas ce qu'elle a pu raconter à ses parents mais sa mère est venue la chercher quelques jours après l'arrivée de Louise. » Annexe au Rapport de Conseiller Pédagogique – Mois de Septembre 1969 [FBH-001878, p. 2]. RG 10 Accession 2014-02388-3 Box 269 File 8888-448.Q.41 371/25-1 Part 2 Library and Archives Canada.

⁶²² See for example Guide for Students and Landladies, 1960 [VAN-047745, p. 4]. General guidance, 02/23/1970, Acc. 1998-00764-2, Box 10, F.A. 10-604, LAC-Ottawa; Handbook for Boarding Home Parents – Sault Ste. Marie, Ontario – School Year 1962-1963 [SWK-001985, pp. 4-5]. File 13/25-1, Vol. 1 Ontario Regional Service Centre – LAC – Toronto.

⁶²³ Lydia Clarkson, Cobble Hill, B.C., to [Mr. Marchand, MP], January 27, 1969 [FBH-000061]. 1/25-8-18 Vol 3 May 1970-Feb 1969 INAC – NCR Region.

over whether a boarding home student should receive medical care from “a designated physician” or the home’s family doctor.⁶²⁴

This complaint was also forwarded to the Regional Superintendent of Schools for action.⁶²⁵ The Regional Superintendent replied that the officials at National Health and Welfare were offering little assistance; in his opinion, they did not want to provide medical services to Indian students and hoped to shift this responsibility to the Province.⁶²⁶

A guidance counsellor in Alberta reported that she sent one student home early in the 1970-71 school year because the girl was “quite young and very lonely. I talked to her on two occasions and had other people talk to her but she became physically ill and I had to send her home.”⁶²⁷

In February 1972, Guidance Counsellors in the Alberta Region were advised that consent for medical procedures for minors “must be obtained from the parent or guardian.” The counsellors were instructed to cooperate with health authorities and plan ahead whenever the need for consent could be foreseen in order to arrange this. Only in an emergency should the blanket consent obtained from parents or guardians through the Educational Assistance application forms be used. Even in an emergency, “every effort ... must be made to obtain the consent from the parent or guardian for the particular emergency situation arising, before resorting to the general authorization provided by the parent [...]”⁶²⁸

In 1976, a student named Isaac and boarding in Winnipeg wrote a letter to his mother describing his boarding home experience. The student reported that he and the other boys were often hungry, that they were only allowed to shower twice a week, their landlady would not wash their blankets, and the basement where they slept was very

⁶²⁴ R. D. Thompson, Regional Director, to Director General, Medical Services, February 4, 1969 [NPC-621696]. RG 29, Vol. 2938, File 851-1-X500, pt. 2 Library and Archives Canada.

⁶²⁵ R. F. Davey, Director, Education Branch, to R. M. Hall, Regional Superintendent of Schools, British Columbia, February 19, 1969 [VAN-020262]. 901/25-8, [Folder 2], 08/01/1968-05/31/1969, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver.

⁶²⁶ Regional Superintendent of Education, Vancouver, to the Director of Operations, Social Affairs Programme, February 27, 1969 [VAN-020261]. 901/25-8, [Folder 2], 08/01/1968-05/31/1969, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver.

⁶²⁷ Bev Randell, Counsellor, Counsellor’s Monthly Report, October 14, 1970 [VAN-030270]. 773/23-3-1-E3, Pt. 1, 09/01/1970-06/30/1971, Counsellor’s Monthly Report – B. Randell, Acc. 1994-95/653, Box 48, F.A. 10-463, LAC-Ottawa.

⁶²⁸ W. Ivan Mouat, Regional Superintendent of Schools, Alberta, to Guidance Counsellors, February 29, 1972 [VAN-045102]. E4785-0, Pt. 3, 09/01/1971-01/31/1973, Education Assistance – Policy, Acc. 2009-01054-X, Box 2, F.A. 10-659, LAC-Ottawa.

dusty. The landlady had chastised one of the other boys for taking food at night, so he had started going to “Peter’s place” to eat to make sure he wouldn’t be hungry. He reported this to the counsellors a few times, but told his mother, “they don’t seem to care, they just seem to say ‘that’s your problem, not ours’ – we have given up on them.” The boy had used some money that his mother sent him to buy more food and reported that he tried to save his own money for food as well. He asked to move to “Peter’s Place” and the counsellor suggested that it would be up to him to make the arrangements. He told his mother, “we want to get out of the place where we are staying but we can’t because we don’t know where to go and we don’t want to go back home until we finish our schooling.”⁶²⁹

Isaac was reportedly moved to a new home.⁶³⁰ Superintendent of Vocational Education Ralph Ritcey informed the Vocational Counsellor involved of the letter, but emphasized that he had no intention of investigating the complaints, since he believed “the entire situation is one between student and counsellor,” and declared that he was “not too concerned” about the allegation that the student was hungry.⁶³¹

2. Social and Psychological Health

Students in the North Bay Boarding Home Program were cautioned to fit in to the boarding home environment:

You must no longer expect to do exactly as your friends do, go where he (she) goes, or have what he (she) has. Your first consideration must be of your boarding family and you must be guided by their customs and daily habits.⁶³²

A report from an education district in Alberta found that two students had complained that the boarding home operator “keeps reminding the boys of their good fortune in having the Government pay for their education,” which one of them told the guidance counsellor, “makes us feel cheap.” The same boarding home operator called the guidance counsellor in the middle of the night “to tell me that they had left after being

⁶²⁹ Isaac Anowak, Winnipeg, to his mother, November 15, 1976 [ISP-003034[01-01]]. N-5100-2, Vol. 4, 4/76-11/76, INAC – Archival Unit.

⁶³⁰ Robert Leonard, Education Counsellor, to Ralph Ritcey, Superintendent of Vocational Education, November 25, 1976 [ISP-003028[00-01]]. N-5100-2, Vol. 4, 4/76-11/76, INAC – Archival Unit.

⁶³¹ Ralph Ritcey, Superintendent of Vocational Education, to M. Marykuca, Vocational Counsellor, November 26, 1976 [ISP-003027]. N-5100-2 Vol 4 4/76-11/76 INAC – Archival Unit.

⁶³² Guide for Students and Landladies, Education Division, Indian Affairs Branch, North Bay, Ontario, June 24, 1965 [FBH-001250, p. 2]. RG 10 Volume 10668 File 81/25-8-8-3-1 [ED] Library and Archives Canada.

bawled out for coming in at 11:30.” The guidance counsellor concluded that the boarding home operator was “lacking in judgment an [*sic*] is too arithmetical in her attitude.” One of the boys returned to his reserve and the other was moved to a new home.⁶³³

One boy from Frobisher Bay, N.W.T., was sent to Ottawa in 1967 and completed both Grade 7 and 8 that year, although he was described as a “difficult student.” The next year he enrolled in Grade 9 but had “many, many problems.” He was referred to a clinic for an unspecified reason, but in the spring of 1969 was moved to a new boarding home, because he had “caused complete havoc.” In the fall of 1969, he was moved to a third boarding home. The counsellor who visited him there reported that he would not speak to the counsellor or his teachers at school, sometimes stayed in bed all day, and never spoke to the family operating the boarding home, who were afraid of him. The student returned to his home community in December 1969. A complete welfare assessment was recommended.⁶³⁴

In 1971, a meeting was held in Dauphin, Manitoba, attended by guidance counsellors, boarding home operators, education staff, and some students. Concerns were raised that there was “less integration now than when all students lived at Student Residence,” and that conflict with non-Indigenous students was increasing. The meeting report commented, however, that the meaning of “integration” varied widely and in many cases was interpreted to mean assimilation, “a policy which most Indians would never accept.” On the subject of boarding home placements specifically, the report noted, “The group stated that non-Indian students have parents to cover up for them whereas the Indian is often on his own.” In general, too, homesickness was “a problem which often could not be solved.”⁶³⁵ At a meeting with parents and students living in private boarding homes in Dauphin in 1973, the Education Counsellor reported complaints that “these children were being fought when at the McKay Student Residence.”⁶³⁶

A study by DIAND’s Northern Services Division in 1972 reported that it was challenging to find boarding home placements in the south for Inuit students. While DIAND reported

⁶³³ Ethel Stewart, Guidance Counsellor, Narrative Report – Medicine Hat and Bow Island – Boarding Home Program – October 1968 [VAN-045040, p. 2]. 773/23-3-1-E3, 09/01/1967-08/28/1970, Counsellor’s Monthly Report – Miss E. Stewart, Acc. 1994-95/653, Box 48, F.A. 10-463, LAC-Ottawa.

⁶³⁴ R. Ritcey for Administrator of the Arctic, to Regional Administrator, Frobisher Bay, December 31, 1969 [ISP-000288]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 1 LAC.

⁶³⁵ Education of Indian Students – Dauphin, Manitoba, March 18, 1971 [DRS-003308-0000, pp. 2-3]. RG10, Acc. W86-87/083, Box 054, File 501/25-17, Vol. 1A Library and Archives Canada – Winnipeg.

⁶³⁶ Ralph Paul, Education Counsellor, to Mr. Mihaychuk, Area Co-ordinator, August 8, 1973 [VAN-079473]. 501/25-8-090G, Pt. 1, 04/10/1972-10/31/1975, Education G.S. – Indian Education – Educational Assistance – Winnipeg Guidance Office, Acc. 2001-01035-4, Box 19, F.A. 10-481, LAC-Winnipeg.

that this was due in part to an increase in “anti-social behaviour, negative attitudes towards school work and involvement with drugs,” parents also expressed concern about assimilation, and the students who dropped out of the program universally reported that the reason they left was homesickness and concern about conditions at home. The students repeatedly stated that they would have liked to be able to spend more time with other Inuit, including classmates. Girls said that they would have preferred to have a female counsellor and all the students expressed a wish to have “an experienced Inuk counsellor.”⁶³⁷

3. Complaints or Reports of Abuse

A series of letters and reports from June 1965 documented concerns about a British Columbia boarding home and specified that there had been numerous complaints from young women boarding in the home. Officials believed that there was “enough truth to justify the suspension of this home for a period of time.” The current boarders would leave the home and Indian Affairs would not use the home again for four to six months, at which time the home would be reassessed.⁶³⁸

In 1973, students in boarding homes in Dauphin complained to their parents that they were not getting proper food and were being made to do farm labour.⁶³⁹

At a hearing of the Royal Commission on Aboriginal Peoples in Old Crow, Yukon, in November 1992, one parent expressed grave concerns about abuse in boarding homes:

My daughter is going to a school in Whitehorse. I have had to board her with a family as a resident. The residence has some 40 people on a list before her. There are no controls on what can be charged for a room or board nor are there regulations as to how these children are treated. There is no-one supervising nor checking these places out.

⁶³⁷ A Brief Study of the Factors Influencing the Withdrawal from Ottawa Schools of Inuit Students from the Ungava Bay District in November and December, 1972 [ISP-001249, pp. 3; 5]. RG 85 Accession 2003-02300-3 Box 16 File 600-1-11 Part 6 LAC.

⁶³⁸ J. E. Cooper, Superintendent, Vocational and Special Services, to Guy Williams, President, Native Brotherhood of British Columbia, June 21, 1965 [VAN-020203[00-02]. 901/25-8, [Folder 1], 09/01/1964-10/31/1965, Educational Assistance, Perm. Vol. 13466, F.A. 10-138, LAC-Vancouver; see also documents, dated circa 1965 VAN-020203[01-02]; VAN-020203[02-02]; and VAN-020201.

⁶³⁹ Ralph Paul, Education Counsellor, to Mr. Mihaychuk, Area Co-ordinator, August 8, 1973 [VAN-079473]. 501/25-8-090G, Pt. 1, 04/10/1972-10/31/1975, Education G.S. – Indian Education – Educational Assistance – Winnipeg Guidance Office, Acc. 2001-01035-4, Box 19, F.A. 10-481, LAC-Winnipeg.

This means that outrageous prices are charged with only \$270 being supplied by the government as assistance.

But worse, is the fact that these children are being physically, mentally and sexually abused. Unfortunately, most do not have a mouthy child like I do so they find out about the fact afterwards. As to a solution, apparently there isn't one or at least that is what I was told when I very aggressively questioned the school authorities in Whitehorse. There have been attempts, but due to the many problems involved no-one wants to handle it.⁶⁴⁰

One of the Commissioners asked the speaker if this abuse was taking place in the present, and the parent replied, "I am told that it has occurred in the past and that it is now occurring." They also added that the students were used to do many hours of babysitting and sometimes housecleaning. Explaining further, they said that this information had come from the school authorities, who said that "there is nothing we can do about it. There are too many problems involved in settling it."⁶⁴¹ The Commissioners followed up on the allegation of sexual abuse, suggesting that it might involve children from northern B.C. as well as Yukon, but the participants at this meeting did not add further information.⁶⁴² No further discussion of these allegations has been found in the records of the RCAP hearings.

4. Academic Outcomes

In 1967, DIAND circulated a questionnaire to collect data on the academic progress of students in the Boarding Home Program. They summarized the findings by region and nationally, finding that overall 71% of students in the program were passing, with 10% failing and 18% dropping out. Regional variations in the percentage of students passing

⁶⁴⁰ Royal Commission on Aboriginal Peoples (RCAP), Old Crow, Yukon, November 17, 1992 [hearing transcript] [BHR-003026, pp. 182-183]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&IdNumber=47&q=royal%20commission%20old%20crow>.

⁶⁴¹ Royal Commission on Aboriginal Peoples (RCAP), Old Crow, Yukon, November 17, 1992 [hearing transcript] [BHR-003026, pp. 184-185]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&IdNumber=47&q=royal%20commission%20old%20crow>.

⁶⁴² Royal Commission on Aboriginal Peoples (RCAP), Old Crow, Yukon, November 17, 1992 [hearing transcript] [BHR-003026, p. 188]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&IdNumber=47&q=royal%20commission%20old%20crow>.

were considerable, from a low of 50% in Manitoba to a high of 89% in Quebec. The Head of Guidance Services described the results as “encouraging.”⁶⁴³

⁶⁴³ Head, Guidance Services, to R. F. Davey, Director of Education Services, September 8, 1967 [stamped] [VAN-045671[01-01]]. 601/25-17, Pt. 1, 08/01/1962-11/30/1967, Pupil guidance, Acc. 1998-00773-1, Box 14, F.A. 10-328, LAC-Ottawa.

9. Program Evaluations

Since the introduction of the Boarding Home Program, evaluations of education services to Indigenous children have periodically included assessments and critiques of the program, including its focus, delivery, and funding. Some of these assessments are discussed in this section of the report.

1. 1967 – Hawthorn and Caldwell Reports

Around 1966-67, two reports sponsored by the federal government threw a very critical light on the residential school system. The first one, led by a team of social scientists and later known as the Hawthorn Report, recommended a more rapid transition away from the residential school system towards integrated schools. It suggested that the former residential schools should be used only as hostels to board children attending non-federal schools.⁶⁴⁴ Soon after this, the Canadian Government proposed, in the infamous 1969 White Paper, “the elimination of all constitutional and legislative bases of discrimination against Indians.”⁶⁴⁵

A second report, in 1967, focused on nine residential schools in Saskatchewan and conducted by a child care specialist, George Caldwell, revealed many flaws in the residential school system. The Caldwell Report concluded that the government and churches should continue to decrease their reliance on the residential schools; consequently, the report made a series of recommendations in order to reduce the number of Indian children residing in residential schools, including placing more students in:

- a) well-supervised Indian foster homes,
- b) well-supervised white foster homes,
- c) transition centres where special emphasis will be placed on assisting the child to adapt from the Indian to the white culture,
- d) hostels to provide for group care for Indian children in the urban setting.⁶⁴⁶

⁶⁴⁴ H. B. Hawthorn, ed., *A Survey of the Contemporary Indians of Canada – Economic, Political, Educational Needs and Policies*, two parts (Ottawa: Indian and Northern Affairs October, 1967) [BHR-003019 and BHR-003020]. Found at: <https://publications.gc.ca/site/eng/9.700111/publication.html>.

⁶⁴⁵ DIAND, First Nations Elementary and Secondary Education, January 13, 1984 [DAY-060506, p. 78]. RG 10 Accession 2014-02388-3 Box 82 File 8888-76.A.3 Part 3 Library and Archives Canada RG 10 Accession 2014-02388-3 Box 82 File 8888-76.A.3 Part 3 Library and Archives Canada.

⁶⁴⁶ George Caldwell, *Indian residential schools: a research study of the child care programs of nine residential schools in Saskatchewan* (Prepared for the Department of Indian Affairs and Northern Development, 1967) p. 153 [BHR-003012]. Found at:

2. 1969 – Snider Report

Around February 1968, Indian Affairs announced the launching of a national study on its Boarding Home Program for Indian high school students.⁶⁴⁷ The study was to examine the effectiveness of the program, report on its problems, consider its strengths and weaknesses, “develop an appropriate system for recording and reporting data on the boarding home program,” and make suggestions for its improvement. As stated, the purpose of the program was to provide the opportunity to Indian students to pursue their education or training at the secondary school level or at the vocational level. It was expected that the results of the study [later known as the Snider Report, named after its author, researcher Bessie Snider] would assist the Department “to extend and improve its boarding home program.”⁶⁴⁸ As a reason for the study, its announcement stated as follows:

Although the program is regarded by administration as successful and an important resource for the education of Indian youth, there have been criticisms from time to time of policies and procedures from the boarding home parents, Indian youth and their parents, and outside agencies.

Concerns were identified in the following areas: educational assistance procedures, parental involvement, counsellor’s role and services, selection procedures and standards, frequency of boarding home change, provision of medical services, referrals, and documentation.⁶⁴⁹

In 1968, a committee reviewing boarding homes policy found that there was “an urgent need” to develop criteria for the selection of boarding homes and new guidelines for the

<https://publications.gc.ca/site/fra/9.849888/publication.html>. See also Indian and Northern Affairs, *Indians in Education – 1976* (Ottawa: Indian and Northern Affairs, 1976) [FBH-000024]. Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education and Cultural Development Branch. *Indians in Education - 1976*. Ottawa: Indian and Northern Affairs, 1976. http://publications.gc.ca/collections/collection_2018/aanc-inac/R44-123-1976-eng.pdf INAC-HQ.

⁶⁴⁷ R. F. Davey, Director, Education Services, Indian Affairs Branch, to Indian Commissioner for B.C., January 26, 1968 [PBQ-001250]. RG 10, Accession 1999-01431-6, Box 68, File 1/25-8-18 Part 2 From Dec 66 to Mar 69 Library and Archives Canada.

⁶⁴⁸ “Study of Boarding Home Program for Indian High School Students,” circa February 1968 [FBH-007787]. RG 10 Accession 1999-01431-6 Box 68 File 1/25-8-18 Part 2 Library and Archives Canada.

⁶⁴⁹ DIAND, *The Boarding Home Program and Educational Assistance – Policy and Guidelines – Draft proposal only* (Ottawa: Guidance and Special Services Division – Education Branch, DIAND, 1969) [VAN-045053[00-01], pp. 4-5]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

program.⁶⁵⁰ The Committee Dealing with Residential Schools and the Boarding Home Program recommended that counsellors be held responsible for placing the students in boarding homes or institutions. The Committee also recommended the development of norms for the selection of boarding homes, and recommended to use Snider's Report to assess the data provided by the field personnel. It further stated:

This committee recommends that the entire structure of the existing boarding home program be studied evaluated and modified. It is recommended that a committee consisting of representatives from the Regions be appointed to be in Ottawa to study this matter and to make recommendations.⁶⁵¹

3. 1970 – Cromb Policy Paper

Following the release of the Snider Report in 1969, DIAND followed up in 1970 with a policy paper later known as the Cromb Paper, from the Director of the Education Branch, G. D. Cromb, and fully titled *Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students*.⁶⁵² In 1969, DIAND circulated drafts of the paper to First Nations for feedback, and held nationwide regional workshops to discuss the proposed guidelines. In its introduction it stated the purpose of the program and the intent of the paper as follows:

The reason for the Boarding Home Program for Indian students is to provide a satisfactory living environment for students who must leave their own homes in order to continue their education. The intent of this paper is to clarify Departmental policy with regard to the implementation of the Boarding Home Program and to provide guidelines for its continued operation.⁶⁵³

⁶⁵⁰ Reporting of Meeting on Field Organization for the Administration and Supervision of the Student Residences and Private Home Placement, October 17, 1968 [NEL-001070[01-03], p. 4]. 1/25-8, Vol. 11, 00/00/1968-00/00/1969, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

⁶⁵¹ “Report of Meeting on the Field Organization for the Administration and Supervision of the Student Residences and Private Home Placement,” October 17, 1968 [NEL-001979[01-03], p. 4]. 1/25-8, Vol. 11, 00/00/1968-00/00/1969, Headquarters – Educational assistance policy, general, Acc. 1999-01431-6, Box 67, F.A. 10-379 LAC – Ottawa.

⁶⁵² G. D. Cromb, *Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students* (Ottawa: DIAND, Education Branch, 1971) [BHR-003017]. Found at: https://publications.gc.ca/collections/collection_2018/aanc-inac/R44-156-1971-eng.pdf.

⁶⁵³ DIAND, *The Boarding Home Program and Educational Assistance – Policy and Guidelines – Draft proposal only* (Ottawa: Guidance and Special Services Division – Education Branch, DIAND, 1969)

The draft reported that a majority of the students living in boarding homes were sixteen years of age or older, 80% to 90% of whom were attending high schools. It also stated that, to be successful, the Boarding Home Program had to be carefully planned and administered. In order to reach this goal, and “to ensure that the students are able to receive the maximum benefit available from the Program, with a minimum of disruption to themselves, their families and their Boarding Home parents,”⁶⁵⁴ a series of records and documents needed to be maintained and completed by the Counsellor.

Interestingly, a handwritten note added a seventh possible type of assistance, to help with private tutoring for those students who would need it, costs also to be taken care by the Department.⁶⁵⁵

This draft paper was finally first published in April 1970 and came to be known as the Cromb Policy Paper. The paper established standards for the selection of boarding homes, provided guidelines for the selection of the students and their placement, defined the role of the counsellors, and recommended procedures to be followed in order for the policy and the program to be successful.

The Cromb Paper included a section dedicated to Educational Assistance for in-school programs and stated that assistance would be granted based on the following:

1. An Application for Educational Assistance (Form 1A352) must be completed and signed by the parent or guardian, if the student is a minor, or by the student, if he/she is of age of consent as defined by the province in which the student resides.
2. The need for assistance is established and is not available from any other source.

[VAN-045053[00-01], p. 3]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

⁶⁵⁴ DIAND, The Boarding Home Program and Educational Assistance – Policy and Guidelines – Draft proposal only (Ottawa: Guidance and Special Services Division – Education Branch, DIAND, 1969) [VAN-045053[00-01], p. 23]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

⁶⁵⁵ DIAND, The Boarding Home Program and Educational Assistance – Policy and Guidelines – Draft proposal only (Ottawa: Guidance and Special Services Division – Education Branch, DIAND, 1969) [VAN-045053[00-01], p. 8]. 773/25-8, Pt. 3, 04/01/1969-12/31/1970, Education Assistance, Acc. 1994-95/653, Box 49, F.A. 10-463, LAC-Ottawa.

3. There is no duplication of services provided by other agencies.⁶⁵⁶

Before the beginning of the school year, students and parents were asked to provide an estimate of the total costs of the educational program for the coming academic year, with the help of the Counsellor, in addition to the amount they – the student and/or his parents – were able to contribute. This exercise would determine the Educational Assistance required from the Department. Educational Assistance was provided to four different groups of students: Group A, those living at home; Group B, the subject of this report, those residing in Boarding Homes; Group C, those residing in a Student Residence; and Group D, those living off-reserve.

Following the release of the Cromb Paper, certain categories of Educational Assistance were extended to off-reserve students in October 1970, while transportation assistance was extended in July 1971. By 1971, it was well established that a contract was required to be signed with the boarding home operator.

4. 1971 – Fifth Report of Standing Committee on Indian Affairs and Northern Development (Watson Report)

In 1971, the Standing Committee on Indian Affairs and Northern Development submitted its fifth report, which focused on education. This report is also known as the Watson Report, after the chair of the Standing Committee, Ian Watson, who also headed the subcommittee that prepared the education report. The Watson Report opened with a critique of the integration program as “a day-to-day, year-to-year improvisation attitude that regarded Indian Education as a passing thing and Indian and Eskimo young people have suffered as a result.”⁶⁵⁷ On the subject of student residences, the Committee recommended an emphasis on local day schools. DIAND commented that “residential services will continue to be required for children in high school who live in areas where neither provincial nor federal high schools are feasible.”⁶⁵⁸ A proposal to provide funding for “boarding school students” to travel home at Christmas was reportedly approved and became part of DIAND policy.⁶⁵⁹

⁶⁵⁶ G. D. Cromb, *Educational Assistance Policy with Guidelines for Operating the Boarding Home Program for Indian Students* (Ottawa: DIAND, Education Branch, 1971) [BHR-003017, p. 5]. Found at: https://publications.gc.ca/collections/collection_2018/aanc-inac/R44-156-1971-eng.pdf.

⁶⁵⁷ Fifth Report of the Standing Committee on Indian Affairs and Northern Development, June 30, 1971 [400748, p. 1]. File 1/25-1, Vol. 66 DIAND, Main Records Office.

⁶⁵⁸ Fifth Report of the Standing Committee on Indian Affairs and Northern Development, June 30, 1971 [400748, p. 10]. File 1/25-1, Vol. 66 DIAND, Main Records Office.

⁶⁵⁹ Fifth Report of the Standing Committee on Indian Affairs and Northern Development, June 30, 1971 [400748, p. 11]. File 1/25-1, Vol. 66 DIAND, Main Records Office.

5. 1972 – Indian Control of Indian Education

In 1972, the National Indian Brotherhood (NIB) issued its landmark policy paper on education, “Indian Control of Indian Education.” While the NIB stated that it would not make a general statement on residences, it reported that “many parents object to sending their children long distances and want accommodations provided at the village level.”⁶⁶⁰ It recommended more day schools on reserves and increased use of hostels or group homes to provide “familiar, homelike accommodations.” The NIB proposed a model for group homes “located centrally in every village and operated by an Indian couple.”⁶⁶¹ The NIB also emphasized that Indigenous counsellors were needed and identified non-Indigenous counsellors with little training in Indigenous culture as a key factor in the problems faced by students living away from home. The NIB recommended that Band Education Authorities should be given authority over counselling services and in the short term should be consulted in the appointment of both teachers and counsellors. Indigenous communities should also be involved in educating counsellors on culture, language, and history.⁶⁶²

The recommendations adopted by the National Indian Brotherhood are summarized below:

The Brotherhood states unequivocally that:

- 1) Indian parents must have “Full Responsibility and control of Education”;
- 2) this responsibility and control will be exercised by granting authority for educational decision-making to local Band Councils and by providing Indian representation on provincial school boards;
- 3) the Indian people will be a party to negotiations with provincial education departments when agreements for education of their children are negotiated;
- 4) integration can take place only with the full consent and participation of the Indians and non-Indians Concerned;
- 5) Indians have full and free choice of education facilities on or off reserves in accordance with their needs and that these facilities be first class;

⁶⁶⁰ National Indian Brotherhood, “Indian Control of Indian Education,” Policy paper presented to the Minister of Indian Affairs and Northern Development, 1972 [BHR-003022, p. 21].

⁶⁶¹ National Indian Brotherhood, “Indian Control of Indian Education,” Policy paper presented to the Minister of Indian Affairs and Northern Development, 1972 [BHR-003022, p. 23].

⁶⁶² National Indian Brotherhood, “Indian Control of Indian Education,” Policy paper presented to the Minister of Indian Affairs and Northern Development, 1972 [BHR-003022, pp. 19-20].

- 6) a wide range of educational programs be provided in the Indian community “The local Education Authority must take the initiative in identifying the needs in adult or vocational education, remedial classes, kindergarten, alcohol and drug addiction education, etc. etc.,”
- 7) school curricula include the native language and recognize the Indian contribution made to Canadian history and life;
- 8) the Federal Government must take the initiative in providing training and employment for Indians as teachers, counsellors and paraprofessionals and that non-Indian teachers have improved qualifications particularly in those areas referring to Indian language, culture and cross-cultural education;
- 9) adequate funding and policy control of the Cultural Education Centres by the Indian people be ensured.⁶⁶³

6. 1982 – Indian Education Paper, Phase 1

In 1982, DIAND conducted an internal assessment that focused on four key issues in education programming:

- Quality of education
- Indian control
- Education management framework
- Funding

The report reviewed the history of education programming since 1972. On the subject of communication with Bands, it explained that DIAND prepared a series of circulars in the mid-1970s that attempted to “explain policies, establish program standards, describe implementation procedures and set funding limits,” but Bands complained that they were not consulted and this process was abandoned.⁶⁶⁴ This report emphasized the problems caused by the failure of the Department’s attempt “to have bands accept a set of guidelines for the operation of education programs by bands.” The report found

⁶⁶³ D. W. Simpson, *Together or Apart – Today's Dilemma in Indian Education* (Winnipeg, Manitoba: Department of Indian and Northern Affairs, Indian and Eskimo Affairs Program, Education Branch, 1972) [FBH-000033, p. 18]. http://publications.gc.ca/collections/collection_2017/aanc-inac/R77-17-1972-eng.pdf INAC-HQ.

⁶⁶⁴ DIAND, *Indian Education Paper, Phase 1* (Ottawa: Department of Indian Affairs and Northern Development, 1982) [BHR-003018, p. 7].

that this led to an inconsistent approach and more problems transferring education services to Band control, particularly where there were disputes over funding.⁶⁶⁵

As the report explained, boarding homes were used when high school services were not available in reserve communities, but the adaptation to large schools and non-Indigenous homes was stressful. The long-term solution in many cases should be to build local schools, but existing funding agreements were an impediment. Between 1955 and 1980, the federal government established 678 joint capital agreements with a total value of \$103 million. Because the agreements were contracts, the Department made these a priority in budget allocations, leading to a major backlog in federal and band school construction projects.⁶⁶⁶ Briefly, the report found that the federal government was diverting funds from federal and band schools to provincial schools on the grounds that only provincial schools had fixed funding formulae.⁶⁶⁷ Another report two years later developed this point further, explaining that the 1973 policy “not to respond to band requests for the construction of on-reserve school facilities where the Department’s investment in a joint federal/provincial school is still undepreciated” had led to significant delays in the construction of on-reserve schools. The report noted, “This caveat is seen by some bands as a failure to honour the spirit of the local control policy.”⁶⁶⁸

The recommendations did not include any remarks specific to boarding, although there was a general comment that the education system should use “a wide range of program mechanisms” and that funding should be based on provincial standards with additional cost elements to cover the “special characteristics” of administration, programming and delivery.⁶⁶⁹

7. 1988 – Tradition and Education: Towards a Vision of Our Future

In 1988, the Assembly of First Nations published *A Declaration of First Nations Jurisdiction Over Education*. The declaration summarized the “failed federal system” and

⁶⁶⁵ DIAND, *Indian Education Paper, Phase 1* (Ottawa: Department of Indian Affairs and Northern Development, 1982) [BHR-003018, pp. 32-33].

⁶⁶⁶ DIAND, *Indian Education Paper, Phase 1* (Ottawa: Department of Indian Affairs and Northern Development, 1982) [BHR-003018, p. 22].

⁶⁶⁷ DIAND, *Indian Education Paper, Phase 1* (Ottawa: Department of Indian Affairs and Northern Development, 1982) [BHR-003018, p. 33].

⁶⁶⁸ Kenneth Watson and Kent Gooderham, Evaluation and Strategic Management Associates Ltd., *Final Report – Study of the Quality of Education of First Nations’ People*, Prepared for the Department of Indian Affairs and Northern Development, 1984 [BHR-003031, p. 33].

⁶⁶⁹ DIAND, *Indian Education Paper, Phase 1* (Ottawa: Department of Indian Affairs and Northern Development, 1982) [BHR-003018, p. 45].

criticized the federal policy of using delegated authority as a means of sharing control over education with First Nations. The report stated that the mechanism of delegated authority meant that education funding was perpetually insecure and inadequate to compete with provincial or territorial schools. With specific relevance to the Boarding Home Program, the report called for lower student-counsellor ratios and stated that “First Nations must develop policies guaranteeing all support services for First Nations students living in urban centres.”⁶⁷⁰ This report also proposed developing distance education resources.

Volume One of the report included a brief comment on the Home Placement Program:

First Nations sponsored and managed home placement or group home services for the benefit of First Nations students forced to relocate to urban centres for further education or training can provide critical and positive support for such students. This is an area of concern that merits further study and action.⁶⁷¹

In the Declaration published after the report, the AFN recommended increased funding for capital construction to build local schools “to ensure First Nation students have the opportunity, like other students in Canada, to be educated in their own community.”⁶⁷² Parental involvement was considered key to the success of Indigenous education programs.⁶⁷³ The Declaration did not directly discuss the use of boarding homes, but pointed to the fact that the use of provincial schools continued to require students to live far from their home communities. This included a critique of the joint school agreement funding mechanism, explaining that the continued existence of long-term agreements meant that federal funding was not available to build local schools.⁶⁷⁴

⁶⁷⁰ Assembly of First Nations, *Tradition and Education: Towards a Vision of Our Future – A Declaration of First Nations Jurisdiction over Education*, [Summary] (Ottawa: 1988), p. 20 [BHR-003006]. Found at: https://www.afn.ca/uploads/files/education/7._1988_december_afn_tradition_and_education-_a_declaration_on_fn_jurisdiction_over_education.pdf.

⁶⁷¹ Assembly of First Nations, *Tradition and Education: Towards a Vision of Our Future – A Declaration of First Nations Jurisdiction over Education*, Volume 1 (Ottawa: 1988) [BHR-003006]. See p. 106.

⁶⁷² Assembly of First Nations, *Tradition and Education: Towards a Vision of Our Future – A Declaration of First Nations Jurisdiction over Education*, [Summary] (Ottawa: 1988), p. 22 [BHR-003006]. Found at: https://www.afn.ca/uploads/files/education/7._1988_december_afn_tradition_and_education-_a_declaration_on_fn_jurisdiction_over_education.pdf.

⁶⁷³ Assembly of First Nations, *Tradition and Education: Towards a Vision of Our Future – A Declaration of First Nations Jurisdiction over Education*, [Summary] (Ottawa: 1988), p. 27 [BHR-003006]. Found at: https://www.afn.ca/uploads/files/education/7._1988_december_afn_tradition_and_education-_a_declaration_on_fn_jurisdiction_over_education.pdf.

⁶⁷⁴ Assembly of First Nations, *Tradition and Education: Towards a Vision of Our Future – A Declaration of First Nations Jurisdiction over Education*, [Summary] (Ottawa: 1988), p. 29 [BHR-003006]. Found at:

8. 1992 – RCAP Community Hearings

Community hearings raised a wide variety of issues. While education was a major topic of discussion, only a few speakers talked specifically about the Boarding Home Program. The allegation of abuse at a hearing in Old Crow, Yukon, has been discussed in Section 8.3 above. Other references to the Boarding Home Program are summarized here.

At La Ronge, Saskatchewan, a group of four students in the Boarding Home Program addressed the Commission. Their concerns focused on their home communities and the need for secondary schools and support services for youth in those communities. No specific concerns about the Boarding Home Program were raised.⁶⁷⁵

At Sault Ste. Marie, an Educational Counsellor for post-secondary students addressed the Commission on the topic of counselling services. She reported that there were 512 students in the Boarding Home Program for her district. Her main concerns were that counsellors had too much administrative work and were not being paid well enough.⁶⁷⁶

At Thunder Bay, specific concerns about the Boarding Home Program were raised by the manager of a youth program at the Friendship Centre:

Education is a very, very major concern with regard to the fact that there are so many kids that are early school leavers. The reason that the youth aren't finishing school in Thunder Bay, for example, is that many of them are non-resident students. The barriers faced alone by youth coming into Thunder Bay and being challenged with living with a family that they don't know, being in a community where they are not aware of the services, where there are not enough boarding homes or adequate supervision – just dealing with those kinds of concerns, I have to share something in the past six weeks.

https://www.afn.ca/uploads/files/education/7._1988_december_afn_tradition_and_education_a_declaration_on_fn_jurisdiction_over_education.pdf.

⁶⁷⁵ Royal Commission on Aboriginal Peoples (RCAP), La Ronge, Saskatchewan, May 28, 1992 [hearing transcript] [BHR-003025, pp. 263-272]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&IdNumber=20&q=royal%20commission%20la%20ronge>.

⁶⁷⁶ Royal Commission on Aboriginal Peoples (RCAP), Sault Ste. Marie, Ontario, June 11, 1992 [hearing transcript] [BHR-003027, p. 277]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&IdNumber=25&q=royal%20commission%20sault%20ste%20marie>.

Within the past three years, two youths that I am aware of have come to Thunder Bay for an education. Within the last three years, the services have not enabled them to adequately maintain their education and stay in this community. Both youths have returned back to their reserve. Within the past six weeks, both youths have died tragically, one by her own hand and the other by another's. It makes you question. The kids need the support to be in Thunder Bay.⁶⁷⁷

The speaker also stated that the only access youth living in Thunder Bay had to counselling services was by telephone to counsellors on the reserves.⁶⁷⁸

⁶⁷⁷ Royal Commission on Aboriginal Peoples (RCAP), Thunder Bay, Ontario, October 27, 1992 [hearing transcript] [BHR-003028, pp. 217-218]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&IdNumber=68&q=royal%20commission%20thunder%20bay>.

⁶⁷⁸ Royal Commission on Aboriginal Peoples (RCAP), Thunder Bay, Ontario, October 27, 1992 [hearing transcript] [BHR-003028, pp. 218-219]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&IdNumber=68&q=royal%20commission%20thunder%20bay>.

10. Devolution of the Program

Research to date has identified some specific program transfers, but in general the transfer of responsibility for boarding home placements from DIAND to Indigenous organizations appears to have been incorporated into a general transfer of education programs. By 1988, most boarding home placements in the B.C. Region were administered by Bands. According to a handbook on the education program in B.C., DIAND administered placements only in “some very special cases.” The Department still reviewed the Bands’ decisions to confirm individual eligibility for funding, however.⁶⁷⁹

As of 1989, boarding homes were included in the category of “Student and Educational Support Services.” About 90% of the funding for this program was Band-controlled.⁶⁸⁰

The Ontario Region continued to administer a Boarding Home Program at this date.⁶⁸¹ Some students in B.C. and Yukon were still using boarding homes to attend high school as of 1992.⁶⁸²

1. Transfers To Bands, Regional Councils, and Indigenous School Boards

In April 1974, a memorandum sent by the British Columbia Regional Director to all the District Supervisors reported that a review of the admission of students to Student Residences and the High School Boarding Home Program had become necessary. Its reasoning was as follows:

⁶⁷⁹ Indigenous and Northern Affairs Canada. INAC Education Program: British Columbia Region Administrative Handbook (Ottawa: Indian and Northern Affairs Canada, 1988) [FBH-000031, p. 119]. http://publications.gc.ca/collections/collection_2018/aanc-inac/R44-157-1988-eng.pdf INAC-HQ.

⁶⁸⁰ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch. *Indian Education Handbook – Resources and Management Systems* (Ottawa: Department of Indian Affairs and Northern Development, 1989) [FBH-000029, p. 21]. http://publications.gc.ca/collections/collection_2018/aanc-inac/R44-150-1989-eng.pdf INAC-HQ.

⁶⁸¹ N. R. R. Coulter, District Superintendent of Education, Western District, Thunder Bay, Ontario, to Gwen Gordon, Cochenour, Ontario, September 21, 1988 [FBH-000139]. 4906-1 Vol 1 05-88-8/91 INAC – ON Region.

⁶⁸² Royal Commission on Aboriginal Peoples (RCAP), Old Crow, Yukon, November 17, 1992 [hearing transcript] [BHR-003026, p. 182]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&ldNumber=47&q=royal%20commission%20old%20crow>; and Royal Commission on Aboriginal Peoples (RCAP), Fort St. John, B.C., November 19, 1992 [hearing transcript] [BHR-003024, p. 45]. Found at: <https://recherche-collection-search.bac-lac.gc.ca/eng/home/record?app=rcap&ldNumber=85&q=royal%20commission%20fort%20st.%20john>.

1. A large percentage of pupils from some reserves are removed from their home community to attend school elsewhere either in student residences or on the boarding home program. The placements occur in spite of increased resources becoming available to families and communities for the adequate maintenance of children locally. The question then arises whether alternative child care arrangements are being sufficiently explored before placement with either the student residences or boarding home program occurs.
2. A number of pupils approved for both programs appear to reside off reserve.
3. Some applications give no reason or very vague reasons why the child cannot remain at home. While there probably are good reasons for admission of most of the children in these programs, it would appear that quite a few are approved each year that are at best debatable.
4. Last summer the West Coast District checked on students enrolled in the Alberni Student Residence. It became rather obvious that quite a few of these students could remain at home and attend local schools.
5. In some Districts it does not appear to be at all clear as to who has the authority to either approve or reject applications and this should be clarified.

A team was therefore assembled to visit each District Office and meet with the local staff to review the procedures in connection with the approval of the applications.⁶⁸³

By 1977, Bands on Vancouver Island could potentially operate the Boarding Home Program for their community. This was to include: identification of students, selection of boarding home and school, arrangement of transportation, and submission of annual reports on each student showing attendance and academic results.⁶⁸⁴

⁶⁸³ L. E. Wight, Regional Director, British Columbia Region, Indian and Northern Affairs, to all District Supervisors, April 25, 1974 [FBH-001880]. RG 10 Accession 2014-02388-3 Box 271 File 8888-449.81 Part 1 Library and Archives Canada.

⁶⁸⁴ Indigenous and Northern Affairs Canada, Indian and Eskimo Affairs Program, Education Branch, Education Services – Department of Indian Affairs – Vancouver Island – Handbook (Ottawa: Department of Indian Affairs, 1977) [FBH-000032, p. 25].
http://publications.gc.ca/collections/collection_2017/aanc-inac/R77-16-1977-eng.pdf INAC-HQ.

The Lesser Slave Lake Regional Council had taken over the Boarding Home Program for Treaty 8 Bands by 1981-82. The annual report for their education program described the program: “Students are placed in volunteer private homes, where they need a good deal of patience and interest to survive in their new school.” Of 42 students who started in boarding homes in September 1981, only 27 remained by March 1982. The report suggested that “failing to adjust to their new community socially” was the main reason students dropped out.⁶⁸⁵ The program run by the Regional Council offered the students paid transportation home at the start and end of the year, Christmas, Easter, and for emergencies.⁶⁸⁶

The Big Cove Band in New Brunswick was provided with guidelines on the Boarding Home Program in 1986.⁶⁸⁷

Many other First Nations have likely taken over responsibility for the administration of the Boarding Home Program as part of a general transfer of authority for education services.

2. Transfers To Province/Territory

Discussions with school boards in Quebec raised the issue of transferring responsibility for boarding as well as tuition as early as 1969. While plans were being considered for a possible student residence in the future, a number of students were housed in boarding homes.⁶⁸⁸

The Yukon government offered to pay a boarding allowance to some students in lieu of providing accommodation in student dormitories, but only if no dormitory space was available. In 1984, the Yukon Department of Education estimated that there would be 25 students in boarding homes.⁶⁸⁹ At the same time, the federal Boarding Home

⁶⁸⁵ Lesser Slave Lake Indian Regional Council, Education Division “Annual Operating Report 1981-82” [LBS-000017, p. 10]. File 4700-D34, Vol 1, RCAP, Resolution and Individual Affairs Sector [formerly IRSRC].

⁶⁸⁶ Lesser Slave Lake Indian Regional Council, Education Division “Annual Operating Report 1981-82” [LBS-000017, p. 10]. File 4700-D34, Vol 1, RCAP, Resolution and Individual Affairs Sector [formerly IRSRC].

⁶⁸⁷ C. MacLennan, District Superintendent of Education, New Brunswick District, to Levi Sock, Director of Education, Big Cove Band Office, June 3, 1986 [FBH-000414[00-01]]. E-4785-2-1 Vol 1 11/84-8/2007 INAC – Atlantic Region.

⁶⁸⁸ Vincent Comeau to A. R. Jolicoeur, Regional Superintendent of Education, September 8, 1969 [PBQ-004248[00-01]]. RG 10 Accession 1999-01431-6 Box 126 File 379/25-11-154 Part 2 Library and Archives Canada.

⁶⁸⁹ Educational Boarding Policy – Yukon Department of Education, October 1984 ca. [FBH-000886[01-01]]. WHI-CR 4975-3 UNC Vol 1 1981-10-01-1989-06-30 INAC – NWT Region.

Program continued to operate, at least until August 1984, when according to an Assistant Deputy Minister in the Yukon Education Department, the federal government “unilaterally abandoned much of an educational boarding program that had been in existence for years.” The ADM was adamant that the Territory would not be taking over the federal program.⁶⁹⁰

3. Reduction or End of Programs

In 1980, the Boarding Home Program for students from the Wikwemikong Unceded reserve in Ontario was discontinued. According to a subsequent letter from the Chief and a community petition, this decision was taken without consulting the community, where many students wished to attend high school off-reserve.⁶⁹¹

The Atlantic Region discussed reducing the number of students using the Boarding Home Program in 1985 and 1986. The District Superintendent of Education for New Brunswick reported that an increase in the number of students had resulted from a number of students being expelled from school and cases of “social disruption in the students’ home, often leading to expulsion from the home.” The Superintendent wondered whether some of these cases should be paid for by Social Services rather than Education.⁶⁹²

The Manitoba Region reduced the budget for Student Accommodation and Maintenance to 70% of the prior year for 1991/1992.⁶⁹³

⁶⁹⁰ R. G. Wallace, Assistant Deputy Minister, Public Schools, Yukon Department of Education, to Oliver J. Nelson, Regional Director, Yukon Region, Indian and Inuit Affairs, October 22, 1984 [FBH-000886[00-01]. WHI-CR 4975-3 UNC Vol 1 1981-10-01-1989-06-30 INAC – NWT Region.

⁶⁹¹ Phyllis George et al., Petition to the Education Committee and Chief and Council, Wikwemikong Unceded Indian Reserve, March 1986 ca. [FBH-000418[01-10]]; and Ronald J. Wakegijig, Chief, Wikwemikong Unceded Indian Reserve, to David Crombie, Minister, Indian and Northern Affairs, March 19, 1986 [FBH-000418[00-10]]. Both in E-4906-1 Vol 1 12-1981-6-86 INAC – NCR Region.

⁶⁹² C. MacLennan, District Superintendent of Education, New Brunswick, to the Director of Indian Services, Atlantic Region, May 20, 1986 [FBH-000413[00-01]]. E-4785-2-1 Vol 1 11/84-8/2007 INAC – Atlantic Region.

⁶⁹³ Education Management Regime – 1991-92 [VAN—045233[02-09], p. 9]. E4700-1, WIN-E, Vol. 8, 01/02/1990-05/30/1993, EDUCATION – GENERAL, PRB, PRIV, INAC-Manitoba.

11. Conclusion

Due to specific circumstances, JHA conducted very limited new research at LAC and in secondary sources. This leaves one particular issue unresolved: a clearer idea of the gradual phasing-out of the Boarding Home Program. Additionally, although JHA was able to identify several sources assessing the program, further research could have possibly provided additional relevant sources.⁶⁹⁴

Records show that from at least the 1930s onwards, a few Indigenous students were provided with educational financial assistance mainly but not exclusively for room and board in the form of tuition grants. A milestone was reached in 1958, when Educational Assistance was formally authorized by Order in Council P.C. 1958-8/1578. This O.C. sanctioned the implementation of the Boarding Home Program, in order to allow the increasing number of Indigenous students to pursue their education away from their communities. The Boarding Home Program also became an alternative to the placement of Indigenous students in Indian residential schools, as those did not have enough space to accommodate all the students, and as the boarding homes represented a cheaper option.

Quality had not been the main incentive that led to the development of Indian education policy; this could probably be said to be true for the development, implementation and running of the Boarding Home Program. Sources show that the program encountered many issues, as highlighted by the Snider Report in 1969 (although it may have improved the situation, it does not seem to have resolved all the issues):

- the Program lacked uniformity through the provinces and territories;
- the procedures, standards and norms in the selection process of the boarding homes were deficient;
- roles and responsibilities were not clearly defined (parental involvement, counsellor's role, etc.);
- the rules surrounding the provision of medical services were not clear;
- the responsibility chain was not well established;
- etc.⁶⁹⁵

⁶⁹⁴ Between the draft and the final report, research was carried out in the "Federal Boarding Homes" Ringtail database in order to add student enrollment numbers in the Table "Statistics on Boarding Home Placements" which is presented at the end of this report.

⁶⁹⁵ See Bessie W. Snider, *A Study of the Boarding Home Program for Indian School Students in British Columbia, Alberta, Saskatchewan, Manitoba and Ontario* (Ottawa: Education Branch, Department of Indian Affairs and Northern Development, 1969) [BHR-003030]. Found at: <https://publications.gc.ca/site/eng/9.839234/publication.html>.

Like other educational programs once run by the federal government, the responsibility for a Boarding Home Program was progressively transferred to some First Nations, Indigenous Regional Councils and at least to one province/territory (Yukon). The devolution process may have started in the 1970s, and by the end of the 1980s, 90% of funding for the program was Band-controlled.

Appendix A: Statistics on Boarding Home Placements

The data includes figures for enrollment at national and regional levels.

Year	Region	Number	Ages	Remarks	Sources
1957 Circa	British Columbia	20			VAN-020065[02-02]
1957- 1958	NWT (Nunavut)	18		Students attending Baker Lake FDS	BLS-000867-0001
1959- 1960	Alberta	90		Academic or vocational	VAN-063489[00-01]
1960- 1961	Alberta	150		Projection	VAN-063489[00-01]
1960- 1961	Arctic District	84			DAY-008630[01-03]
1961- 1962	British Columbia	100+		All in the Lower Mainland	FBH-002464, p. 2
1961- 1962	British Columbia	93		High school students, including 15 in St. Thomas Aquinas homes	VAN-079592[00-01]
1961- 1962	Yukon	195			VAN-020100
1961- 1962	Arctic District	84			VAN-055697[01-01]
1961- 1962	Arctic District	150			RCN-012950-0000; RCN-012950-0001; RCN-012950-0002
1961- 1962	Manitoba	20		Students in Portage La Prairie IRS moved to private homes	PLP-000074
1961- 1962	Manitoba	43		Brandon area	BRS-001771
1961- 1962	Ontario	45		High School pupils formerly housed at Shingwauk	NCA-006483

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Year	Region	Number	Ages	Remarks	Sources
1962-1963	British Columbia	122			VAN-053709
1962-1963	Manitoba	33-43		Projection for Brandon area	BRS-001771
1965-1966	British Columbia	407		Grades 9-13	VAN-030328[01-03]
1965-1966	Alberta	221		Projection	NEL-001952
1965-1966	Saskatchewan	506		Projection	NEL-001952
1965-1966	Manitoba	581		Projection	NEL-001952
1965-1966	Ontario	800		Projection	NEL-001952
1965-1966	Quebec	273		Projection	NEL-001952
1965-1966	Maritimes	80		High school students, Grades 9-13	FBH-007489[01-01]
1965-1966	Canada	4,000		Approximate total of elementary and secondary students	254715
1966-1967	British Columbia	700 (some)		Lower Mainland	VAN-075834[03-03]
1966-1967	BC & Yukon	679			NEL-002065[01-01]
1966-1967	Alberta	262			NEL-002065[01-01]
1966-1967	Saskatchewan	300			NEL-002065[01-01]
1966-1967	Manitoba	232			NEL-002065[01-01]
1966-1967	Ontario	713			NEL-002065[01-01]
1966-1967	Quebec	204			NEL-002065[01-01]
1966-1967	Maritimes	92		Projection	NEL-001952

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Year	Region	Number	Ages	Remarks	Sources
1966-1967	New Brunswick	89			NEL-002065[01-01]
1966-1967	Mackenzie District	59			RCN-001071-0018
1966-1967	Canada	5,346		Grades 1-13 and students attending vocational training and special courses	ISP-001567, p. 9
1966-1967	Canada	4,000 (approx.)		Elementary and Secondary	VAN-020026[00-01]
1967-1968	Maritimes	52		80 to 90% high school students	NEL-001934, p. 5
1967-1968	Maritimes	60		Elementary and Secondary	NEL-001934, p. 5
1967-1968	Quebec	215		80 to 90% high school students	NEL-001934, p. 5
1967-1968	Quebec	167		Elementary and Secondary	NEL-001934, p. 5
1967-1968	Ontario	710		80 to 90% high school students	NEL-001934, p. 5
1967-1968	Ontario	868		Elementary and Secondary	NEL-001934, p. 5
1967-1968	Ontario	630		Grades 1-13	NEL-001934, p. 45-46
1967-1968	Ontario	638		Grades 9 to 13; includes breakdown by Grade	ISP-00667[01-01]
1967-1968	Manitoba	204		Grades 1-13	NEL-001934, p. 45
1967-1968	Manitoba	207		80 to 90% high school students	NEL-001934, p. 5
1967-1968	Manitoba	225		Elementary and Secondary	NEL-001934, p. 5
1967-1968	Manitoba	223		High School Students, grades 9-12	NEL-002160

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1967-1968	Saskatchewan	386		Grades 1-13	NEL-001934, p. 45
1967-1968	Saskatchewan	443		80 to 90% high school students	NEL-001934, p. 5
1967-1968	Saskatchewan	401		Elementary and Secondary	NEL-001934, p. 5
1967-1968	Alberta	254		High School Students, Grades 9-12	VAN-079869
1967-1968	Alberta	311		Grades 1-13	NEL-001934, p. 44
1967-1968	Alberta	376		80 to 90% high school students	NEL-001934, p. 5
1967-1968	Alberta	349		Elementary and Secondary	NEL-001934, p. 5
1967-1968	BC & Yukon	764		80 to 90% high school students	NEL-001934, p. 5
1967-1968	BC & Yukon	471		Elementary and Secondary	NEL-001934, p. 5
1967-1968	British Columbia	421		Grades 1-13	NEL-001934, p. 44
1967-1968	British Columbia	749		Elementary and Secondary	FBH-000450, p. 92
1967-1968	Yukon	6		High School Students, Grades 8-11	VAN-020194
1967-1968	Yukon	9		Grades 1-13	NEL-001934, p. 44
1967-1968	Yukon	15		Elementary and Secondary	FBH-000450, p. 92
1967-1968	Mackenzie District	96			FBH-001836
1967-1968	Canada	1,961		Grades 1-13	NEL-001934, p. 46
1967-1968	Canada	3,700		"most" over the age of 16 and high school students	1969 AR
1967-1968	Canada	3,287		Grades 1-13	ISP-001567, p. 9

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1967-1968	Canada	2,767		80 to 90% high school students	NEL-001934, p. 5
1967-1968	Canada	2,541		Elementary and Secondary	NEL-001934, p. 5
1968-1969	BC & Yukon	734		Majority 16 years or older	NCA-011326, p. 3
1968-1969	British Columbia	734		Elementary and Secondary	FBH-000449, p. 111
1968-1969	Alberta	461		Majority 16 years or older	NCA-011326, p. 3
1968-1969	Saskatchewan	467		Majority 16 years or older	NCA-011326, p. 3
1968-1969	Saskatchewan	389-394		Private homes, Kindergarten to Grade 13	VAN-047630
1968-1969	Manitoba	337		Majority 16 years or older	NCA-011326, p. 3
1968-1969	Manitoba	195			VAN-046195, p. 5
1968-1969	Ontario	1218		Majority 16 years or older	NCA-011326, p. 3
1968-1969	Quebec	391		Majority 16 years or older	NCA-011326, p. 3
1968-1969	Maritimes	63		Majority 16 years or older	NCA-011326, p. 3
1968-1969	Northern Territories	100 (another)		In small, 8-12 bed residences under the care of Eskimo house parents	NCA-016590-0002, p. 3
1968-1969	Canada	4,000		“majority” over the age of 16, 90% high school students	1970 AR
1968-1969	Canada	3,700		“majority” over the age of 16 and “most” high school students	1969 AR
1968-1969	Canada	3,671		Elementary and Secondary	FBH-000449, p. 3

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1969-1970	Maritime	38	13-16	Grade 7-11	FBH-000006, p. 94
1970-1971	Maritime	46	17+	Grades 8-12	FBH-000006, p. 94
1969-1970	Ontario	531	5-16	Kindergarten to Grade 12, auxiliary	PBQ-003176, pp, 87-88
1969-1970	Ontario	298	17+	Grades 9-13, auxiliary	PBQ-003176, pp, 87-88
1969-1970	Alberta	253	7-16	Grades 1-12, auxiliary	PBQ-003159, pp. 89-90
1969-1970	Alberta	139	17+	Grades 7-12, auxiliary	PBQ-003159, pp. 89-90
1969-1970	Manitoba	335	5-16	Grades 1-11	PBQ-003160, pp. 96-97
1969-1970	Manitoba	302	17+	Grades 9-11	PBQ-003160, pp. 96-97
1969-1970	British Columbia	820		High School purposes, figure includes students in hostels	VAN-079504[01-01]
1969-1970	BC and Yukon	486	6-16	Grades 1-12, auxiliary	FBH-000027, pp. 94-95
1969-1970	BC and Yukon	346	17+	Grade 8-12, auxiliary Does not include students in "Special" (all students 17+)	FBH-000027, pp. 94-95
1969-1970	Quebec	474	4-16	Kindergarten to Grade 12	NCA-013848, p. 85-86
1969-1970	Quebec	231	17+	Grade 7-13	NCA-013848, p. 85-86
1969-1970	Quebec	689		Elementary and High School	NCA-013848, p. 88
1969-1970	Saskatchewan	280	5-16	Kindergarten to Grade 12, auxiliary	FBH-000005, p. 92-93
1969-1970	Saskatchewan	193	17+	Grades 8-12, auxiliary	FBH-000005, p. 92-93

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1969-1970	Canada	6,000*		*Includes students living in group homes	1971 AR
1969-1970	Canada	5,000		"mainly" high school students	FDS-002730[00-01]
1969-1970	Canada	4,784		Estimate	NCA-016802, p. 3
1970-1971	British Columbia	1,097			VAN-030410[02-03], p. 10
1970-1971	Alberta	632			VAN-030410[02-03], p. 10
1970-1971	Saskatchewan	537			VAN-030410[02-03], p. 10
1970-1971	Manitoba	835			VAN-030410[02-03], p. 10
1970-1971	Manitoba	781			NEL-001799
1970-1971	Manitoba	350		Quotas for 1970-71	GUY-070194-0000
1970-1971	Ontario	1110			VAN-030410[02-03], p. 9
1970-1971	Quebec	703			VAN-030410[02-03], p. 9
1970-1971	Maritimes	126			VAN-030410[02-03], p. 9
1970-1971	Canada	5,477*		*estimated	FBH-004456[01-14], p. 7; see also FBH-000006, p. 85
1970-1971	Canada	6,000		Private boarding homes and group homes	GOT-000561, pp. 18-19
1971-1972	Quebec	447	6-19+	Kindergarten to Grade 13, including 8 "other"	PBQ-002821, pp. 5-6
1971-1972	Saskatchewan	451-498			VAN-045648

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1971-1972	Manitoba	896		Authorized enrolment capacity of home placement in Manitoba	NCA-008169-0001, pp. 2-3
1971-1972	Maritimes	69	10-19+		FBH-000692, p. 6
1971-1972	British Columbia	892	6-19+	Kindergarten to Grade 13, including 27 "other" and 3 "unkn"	FBH-000699, p. 6
1971-1972	Alberta	846	Grade 10 (412) Grade 11 (272) Grade 12 (162)	High school students provided with allowance, most being either in Edmonton or Calgary ⁶⁹⁶	VAN-046794
1971-1972	Canada	6,000		Private boarding homes and group homes	400778A, p. 3
1971-1972	Canada	3,294	0-4 to 19+	Kindergarten to Grade 13, including 150 "other" and 7 "unkn"	FBH-000695, p. 6
1972-1973	Arctic District (NWT and Quebec)	132			ISP-001249
1972-1973	British Columbia	950		High School Students	VAN-052500, p. 4
1973-1974	Canada	6,084		Estimate	NCA-016802, p. 3
1974-1975	British Columbia	1009		includes students residing in dormitories	VAN-030200[02-02]
1975-1976	Nova Scotia	10		Boarding in off-reserve homes	FBH-003131[00-01]

⁶⁹⁶ Although it is not clear how many students were living in boarding homes out of this total number.

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1975-1976	British Columbia	745		includes students residing in dormitories and group homes	VAN-030201; VAN-030203
1975-1976	British Columbia	808		Includes 87 students in Prince George College, 24 in provincial dormitory, 13 in Victoria Group Home, 1 in AB and 1 in SK	VAN-030202
1976-1977	British Columbia	654			VAN-045241[07-18]
1977-1978	Atlantic Region	6		Room and Board	PBQ-002996[02-02]
1977-1978	Quebec	1,341		Room and Board	PBQ-002996[02-02]
1977-1978	Ontario	1,030		Room and Board	PBQ-002996[02-02]
1977-1978	Manitoba	601		Room and Board	PBQ-002996[02-02]
1977-1978	Saskatchewan	1,253		Room and Board	PBQ-002996[02-02]
1977-1978	Alberta	209		Room and Board	PBQ-002996[02-02]
1977-1978	BC and Yukon	1,004		Room and Board	PBQ-002996[02-02]
1977-1978	British Columbia	493			VAN-020132
1977-1978	British Columbia	493		includes 1 student in Yukon Region and 1 in Edmonton District	VAN-020133
1977-1978	Canada	5,444		Room and Board	PBQ-002996[02-02]
1978-1979	British Columbia	795		includes students residing in dormitories	VAN-020130

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1978-1979	British Columbia	441		Boarding on and off-reserve; includes 74 students in Group Homes	PBQ-002995
1978-1979	Atlantic	13		Boarding on and off-reserve	PBQ-002995
1978-1979	Quebec	1,234		Boarding on and off-reserve; includes 97 students in Group Homes	PBQ-002995
1978-1979	Ontario	666		Boarding on and off-reserve; includes 28 students in Group Homes	PBQ-002995
1978-1979	Manitoba	257		Boarding on and off-reserve; includes 10 students in Group Homes	PBQ-002995
1978-1979	Saskatchewan	231		Boarding on and off-reserve; includes 25 students in Group Homes	PBQ-002995
1978-1979	Alberta	133		Boarding on and off-reserve; includes 4 students in Group Homes	PBQ-002995
1979-1980	British Columbia	748			VAN-052501
1979-1980	British Columbia	768			VAN-079010[03-17]
1979-1980	British Columbia	768		Includes 3 students placed in Yukon	VAN-030209

Year	Region	Number	Ages	Remarks	Sources
1979-1980	Manitoba	225 – Dept. Ctrl 114 – Band Ctrl	Elementary and secondary students	Total: 339 Students placed in private and group homes	VAN-045688, p. 13, 20
1980-1981	British Columbia	142 – Dept. Ctrl 590 – Indian Ctrl	Elementary and secondary students	Total: 732 Students placed in private or group homes; also students requiring placement because of special learning problems (deaf, blind)	200396A, p. 25
1980-1981	British Columbia	622 ⁶⁹⁷		Includes 2 students placed in Yukon	VAN-030139[01-02]
1980-1981	British Columbia	816			VAN-052502, p. 5
1980-1981	Alberta	139 – Dept. Ctrl 47 – Indian Ctrl	Elementary and secondary students	Total: 186 Students placed in private or group homes; also students requiring placement because of special learning problems (deaf, blind)	200396A, p. 25
1980-1981	Saskatchewan	321 – Dept. Ctrl NIL – Indian Ctrl	Elementary and secondary students	Students placed in private or group homes; also students requiring placement because of special learning problems (deaf, blind)	200396A, p. 25

⁶⁹⁷ A 1980-1981 Students on In-School Boarding Home Program chart listing all British Columbia Districts provides a smaller figure of 622 boarding home students, and possibly only 601 students as one District figure of 58 is crossed out and replaced with a figure of 37 [VAN-030139[01-02]].

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1980-1981	Saskatchewan	208			VAN-047611
1980-1981	Manitoba	183 – Dept. Ctrl 121 – Indian Ctrl	Elementary and secondary students	Total: 304 Students placed in private or group homes; also students requiring placement because of special learning problems (deaf, blind)	200396A, p. 25
1980-1981	Ontario	271 – Dept. Ctrl 917 – Indian Ctrl	Elementary and secondary students	Total: 1188 Students placed in private or group homes; also students requiring placement because of special learning problems (deaf, blind)	200396A, p. 25
1980-1981	Quebec	332 – Dept. Ctrl 117 – Indian Ctrl	Elementary and secondary students	Total: 449 Students placed in private or group homes; also students requiring placement because of special learning problems (deaf, blind)	200396A, p. 25
1980-1981	Atlantic	3 – Dept. Ctrl 2 – Indian Ctrl	Elementary and secondary students	Total: 5 Students placed in private or group homes; also students requiring placement because of special learning problems (deaf, blind)	200396A, p. 25

Federal Indian Boarding Homes Policy

Year	Region	Number	Ages	Remarks	Sources
1980-1981	Canada	1391 – Dept. Ctrl 1794 – Indian Ctrl	Elementary and secondary students	Total: 3185 Students placed in private or group homes; also students requiring placement because of special learning problems (deaf, blind)	200396A, p. 25
1981-1982	Yukon	19		Watson Lake	VAN-045863
1981-1982	British Columbia	637			VAN-030135[01-02]
1981-1982	British Columbia	667			VAN-052503, p. 5
1982-1983	British Columbia	649			VAN-052504, p. 5
1988-1989	British Columbia	682			VAN-020403[01-01]
1988-1989	Saskatchewan	328			VAN-045638

This is Exhibit "F" referred to in the
Affidavit of Aden Thompson-Klein
sworn before me on this 24th day of
July, 2023

A handwritten signature in black ink, appearing to be 'A. Thompson-Klein', written over a horizontal line.

A Commissioner of taking Affidavits
in the Province of British Columbia



FINAL REPORT

**SURVEY OF 100 BAND
COUNCILS IN THE CONTEXT
OF THE BOARDING
HOMES CLASS ACTION**

PRESENTED TO THE PARTIES

**REGINALD PERCIVAL, ALLAN
MEDRICK MCKAY, IONA TEENA
MCKAY AND LORNA WATTS
(PLAINTIFFS)**

&

**HER MAJESTY THE QUEEN (DEFENDANT)
REPRESENTED BY THEIR RESPECTIVE
COUNSEL**

FILED BY



Gestion MV Management

(JOINT EXPERT TO THE PARTIES)

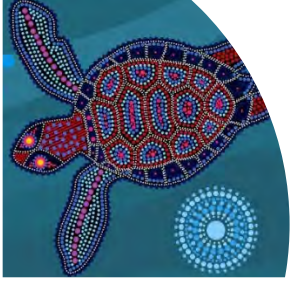
JANUARY 14, 2022



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1 - CLASS ACTION BACKGROUND

The “Boarding Homes Class Action” concerns allegations that Canada breached common law and fiduciary duties owed to Indigenous people in relation to the Indian Boarding Home Program that Canada operated in connection with providing educational programs to Indigenous students. The Indian Boarding Home Program began during the 1950s, and Canada continued to operate the program into the early 1990s. It is alleged that Canada placed Indigenous students in private homes, away from families and communities, and that in creating, operating, and maintaining the Indian Boarding Home Program created an environment where abuse, harassment, and other harms would occur. It alleges that Canada’s conduct, and that of its servants, was negligent and in breach of the fiduciary duties that Canada owes to its Indigenous Persons, and that Class Members have suffered serious and lasting harms as a result.

The class action was certified by order of Madam Justice Strickland on June 28, 2019. The certified class includes all persons who were placed by the Government of Canada in private homes for the purpose of attending school, excluding placements made for the purpose of attending a post-secondary educational institution.

2 - MANDATE

AS PER ORDER OF JUNE 21, 2021, ISSUED BY THE HONOURABLE MADAME JUDGE CECILY Y. STRICKLAND IN COURT FILE NO. T-1417-18, GESTION MV MANAGEMENT WAS COMMISSIONED AS A JOINT EXPERT TO THE PARTIES:

“To better understand the extent and duration of the boarding homes program, to trace this history so that the parties can better understand, among other things, over what period the program ran, the dates when responsibility for the boarding home program transferred from the Defendant to various band councils and, what documentary evidence is available to establish this.

“Such information will assist the parties in determining class size, ensuring the adequacy of any notice program, and ultimately in achieving a fair and efficient resolution of the claim.

“GESTION MV MANAGEMENT was commissioned to conduct a survey of 100 band councils regarding educational transfers of authority will help to confirm and supplement the limited existing archival record.”



Information gathered from various records indicate that in the past, children from your community were placed in a “boarding home” or other private home for the purposes of their education.

3 - SELECTION PROCESS (100 BAND COUNCILS)

The selection process of the 100 band councils considered that there are 26 education authorities and 6 school boards representing a total of 34 band councils (communities) located in the provinces of Alberta (2), British Columbia (8), Manitoba (22), Ontario (1) and Saskatchewan (1). The following is the list of these organizations :

PROV	NAME	ASSOCIATED BANDS
Alberta (2 bands)		
AB	Bigstone Education Authority	BIGSTONE CREE NATION (aka Wabasca)
AB	Dene Tha' Band Education Authority	DENE THA' (aka Slaves of Upper Hay River)
British Columbia (8 bands)		
BC	Alkali Lake School Board	ESK'ETEMC (aka Alkali Lake)
BC	Sxoxomic Education Authority	ESK'ETEMC (aka Alkali Lake)
BC	Anspayaxw School Society	KISPIOX (aka Kispaiox)
BC	Kispiox School Board	KISPIOX (aka Kispaiox)
BC	Fort Babine Education Society	LAKE BABINE NATION (aka Babine)
BC	Gitsegukla Native Education Society / Gitsegukla School Society	GITSEGUCLA (aka Kitsegukla)
BC	W̓sáneć School Board [formerly Saanich Indian School Board]	PAUQUACHIN (aka Pauquechin); TSARTLIP (aka Chawilp); TSAWOUT FIRST NATION; TSEYCU M
Manitoba (22 bands)		
MB	Keeseekoowenin First Nation Education Authority	KEESEEKOOWENIN (aka Giizhigoowining)
MB	Lake Manitoba Education Authority	LAKE MANITOBA (aka Dog Creek)
MB	Chemawawin Education Authority	CHEMAWAWIN CREE NATION (aka Easterville)
MB	Cross Lake Education Authority	CROSS LAKE BAND OF INDIANS
MB	Fisher River Education Authority	FISHER RIVER (aka Ochekwi Sipi)
MB	Garden Hill Education Authority	GARDEN HILL FIRST NATIONS (aka Kistiganwacheeng)
MB	Little Saskatchewan Education Authority	LITTLE SASKATCHEWAN

MB	Long Plain First Nation [Kish-ke-me-qua] School Board	LONG PLAIN (aka Kish-ke-me-qua)
MB	Miskoosepi Education Authority	BLOODVEIN (aka Miskoosepi)
MB	Peguis Education Authority	PEGUIS (aka Oshki-ishkonigan)
MB	Pine Creek Education Authority	PINE CREEK (aka Mina'igo-ziiibiing)
MB	Red Sucker Lake Education Authority	RED SUCKER LAKE
MB	Roseau River Education Authority	ROSEAU RIVER ANISHINABE FIRST NATION GOVERNMENT
MB	Sagkeeng Education Authority	FORT ALEXANDER (aka Sagkeeng)
MB	Sandy Bay Education Board	SANDY BAY
MB	Shamattawa First Nation Education Authority	SHAMATTAWA FIRST NATION
MB	Sioux Valley Educational Authority Inc. / Sioux Valley First Nation School Board	SIOUX VALLEY DAKOTA NATION (aka Sioux Valley; Oak River)
MB	St. Theresa Point Education Authority	ST. THERESA POINT
MB	Swan Lake First Nation Education Authority	SWAN LAKE
MB	The Narrows Education Authority Inc.	LAKE ST. MARTIN (Obashkodeyaang); GOD'S LAKE FIRST NATION (aka God's Lake Narrows; God's Narrows)
MB	Waywayseecappo First Nation Education Authority	WAYWAYSEECAPPO FIRST NATION
Ontario (1 band)		
ON	Northern Nishnawbe Education Council	MISHKEEGOGAMANG (aka Osnaburgh Band)
Saskatchewan (1 band)		
SK	Little Red River Educational Authority	LAC LA RONGE (aka Stanley Mission; La Ronge; Hall Lake; Little Red River; Sucker River; Grandmother's Bay)



In addition, available information on the number of children who were placed in a boarding home between 1979 and 1989 (n=30,171) was considered. These data show the following number of children, in total, by province:

PROVINCES	NUMBER OF CHILDREN	RATIO
Alberta	3881	12,86%
British Columbia	9,798	32,47%
Manitoba	1,830	6,07%
New Brunswick	48	0,16%
Northwest Territories	4	0,01%
Nova Scotia	68	0,23%
Ontario	4,707	15,60%
Prince Edward Island	12	0,04%
Quebec	6,220	20,62%
Saskatchewan	3,586	11,89%
Yukon	17	0,06%
TOTAL	30,171	100%

Considering the ratio of children who went to a private home (per province between 1979 and 1989) and considering that among the 34 bands who are under an Education Authority and/or a School Board, many counted none or very few students who lived in a private home for education purposes, the following number of bands per province were contacted:

PROVINCES	RATIO OF CHILDREN IN A BH (1979-1989)	NUMBER OF BANDS CONTACTED
Alberta	12,86%	12 bands
British Columbia	32,47%	31 bands
Manitoba	6,07%	6 bands
New Brunswick	0,16%	1 band
Northwest Territories	0,01%	1 band
Nova Scotia	0,23%	2 bands
Ontario	15,60%	15 bands
Prince Edward Island	0,04%	1 band
Quebec	20,62%	19 bands
Saskatchewan	11,89%	11 bands
Yukon	0,06%	1 band
TOTAL	100%	100 bands

The detailed list of the 100 bands is found in Appendix 1: Record of Contacts (100 bands). This list included detailed contact information and tracks all contacts made by email and/or phone to reach respondents.

4- SURVEY QUESTIONS

The following questions were agreed upon by the Parties involved:

- The Boarding Homes Program may also have been known as the “Private Home Placement” or placement in a private home for the purpose of education. Do you have any documents regarding the Program?
- If you do, can you share them?
- Is there anyone at the Band who would know more about the Program? Please can you provide their contact information?

5- SURVEY DEPLOYMENT STRATEGY

To reach the 100 selected communities, GESTION MV MANAGEMENT used a dual strategy:

- Search for contacts: field of Education contacts in all 100 bands (or other contacts if Education was not reachable);
- Email of an electronic survey to contacts found;
- Direct telephone calls to band councils’ stakeholders responsible for Education (or other departments if required).

The strategy was deployed between November 2, 2021, and December 21, 2021.

6 - LIMITATIONS

There are some important cautionary notes regarding the process. First, the deployment of the survey took place during an extremely difficult period related to the COVID-19 pandemic in First Nations communities across Canada. Many communities shut down their schools and services in favour of teleworking, making it sometimes quite difficult to reach a person at the Band Council or the Education sector.

In addition, based on the comments of many of the people contacted, the Boarding Homes Program was virtually unknown, as most had never heard of it. Many confused the program with Residential Schools, Day Schools, and the Sixties Scoop class actions, despite the clear description provided in the process.

It is also important to consider that staff turnover is a reality for many communities and that the Boarding Homes Program is several years old.

As such, it is likely that staff who were in place at the time of the Boarding Homes Program have left, or that people have retired or even passed away. One respondent also indicated that a religious community had left the community, taking all records of child placements with them. It is also likely that some records were destroyed, lost, or simply never existed.

Consequently, the reader of this report is invited to take these limitations into account.

7 - RESULTS

The following table identifies the number of communities reached versus the number of communities selected to be part of the survey process. Each band that did not respond at the first call/email was contacted at least a second time. The process resulted in 68 of the 100 Band Councils/Communities/Education Authorities being reached. The detailed actions to reach every selected band is found on Appendix 1 : Record of Contacts (100 bands).

New Brunswick, Northwest Territories and Yukon (representing 3 bands over 100) did not respond to the survey, despite attempts to reach them. As for the electronic survey, 7 bands over 100 completed the questionnaire (*see Appendix 2: Surveys completed*).

Only one band (Opitciwan, Quebec) provided substantial information that might be relevant. None of the 68 bands reached through the survey/contact process produced documents or archival records to support the process.

PROVINCES	RATIO OF CHILDREN IN A BH (1979-1989)	NUMBER OF BANDS SELECTED FOR THE SURVEY	NUMBER OF BANDS REACHED	Bands w/SUBSTANTIAL INFORMATION
Alberta	12,86%	12 bands	10 bands (83%)	0
British Columbia	32,47%	31 bands	20 bands (65%)	0
Manitoba	6,07%	6 bands	4 bands (67%)	0
New Brunswick	0,16%	1 band	0 (0%)	0
Northwest Territories	0,01%	1 band	0 (0%)	0
Nova Scotia	0,23%	2 bands	2 bands (100%)	0
Ontario ^{**} (2 survey responses)	15,60%	14 bands	11 bands (79%)	0
Prince Edward Island	0,04%	1 band	1 (100%)	0
Quebec ^{**} (5 survey responses)	20,62%	19 bands	15 bands (79%)	1
Saskatchewan	11,89%	11 bands	5 bands (45%)	0
Yukon	0,06%	1 band	0 (0%)	0

TOTAL	100%	100 bands	68 bands reached	1
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Indeed, the only substantially interesting answer comes from the community of Opitciwan which, according to existing data, had a number of 203 children placed in a boarding home between 1979 and 1989.

The detailed response from the Opitciwan’s representative is the following:

In connection with the residential school, the children of Opitciwan were placed with families during the same years and even later than 1991, the year of the official closing of the Pointe-Bleue residential school.

The community of Opitciwan took over the Education Department in 1991. From that year on, many students were placed with families because we did not have a high school in the community.

From 1960-1991, many students were placed in foster homes and attended the provincial school, Cité étudiante de Roberval. These dates coincide with the opening and closing of the residential school.

From 1991-2021, we still have some foster care placements. The data can be verified with Indigenous Services Canada as we had to produce a nominal list of our students attending our band schools and provincial schools.

8 - CONCLUSION

The Honourable Justice Strickland of the Federal Court granted a mandate to Gestion MV Management to conduct a survey with 100 bands across Canada, to inform a class action process concerning the Boarding Homes Program.

MV Management proposed a methodology for the parties to contact respondents from the education sector of the communities and education authorities of the 100 targeted band councils. The survey process began on November 2 and was completed on December 21, 2021.

Despite attempts to reach representatives who could inform the Boarding Homes Program, the communities



reached (68 out of 100) were unable to provide insightful responses about when the Program in their community.

Several reasons may explain the failure to find relevant records that could have informed the Boarding Homes Program in the communities involved. It is also important to note that the initial expectations of the process were low, and that this sampling procedure was mainly aimed at finding out whether First Nations communities or education authorities had any information to determine the period of application of the Program or had any other information that could be useful.

Reasons for the lack of relevant information collected include missing staff to answer to the survey (COVID-19 shutdowns to consider), lack of knowledge/understanding about the Boarding Homes Program, the complexity of understanding the differences with other class actions (Sixties Scoop, Day Schools, Residential Schools), lack of time, and lack of response to emails or calls placed by Gestion MV Management.

It is also to be noted that the questions of the survey were sometimes found to be complicated. Community/band respondents often needed clarification and further explanations about the survey, its purpose, and the actual Boarding Homes Program.

Despite the many efforts to reach the 100 targeted bands and their potential respondents, the process did not produce any relevant documents or information, except for the community of Opitciwan, Quebec.

9 - RECOMMENDATIONS

In my opinion, it would be virtually inconclusive to replicate this survey process with additional communities across the country, as it would probably end up with the same result as with the first 100 bands targeted, i.e., an extremely low *relevant* response rate.

Should the parties wish to pursue a data collection process with bands/education authorities, the questions or the objectives of the process may require to be revised. However, I would not recommend proceeding to another round of consultation during these challenging times of COVID-19. I also highly doubt that another survey process about the Program would result in a conclusive outcome.

Lastly, it is recommended that the response of the Opitciwan community be taken into account, considering that it provides information that can contribute to the discussions of the Class Action Parties.

SIGNATURE

This report was prepared by Melanie Vincent, from Gestion MV Management, and filed by email on January 14, 2022, to the Class Action Parties.

I testify that necessary and adequate efforts were invested to contact each of the 100 Band Councils. Each and everyone of them was provided equal attention to find at least one contact person to follow up with.

I remain available to Class Action Parties to answer any questions about this Final Report.

Tiawenk inenh,



Mélanie Vincent
Joint Expert to the Parties



Gestion MV Management

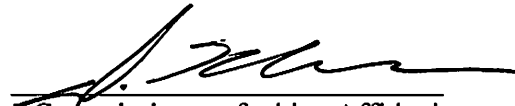
CONTACT INFORMATION

melanievincent21@yahoo.ca

Cell: (418) 580-4442



This is Exhibit "G" referred to in the
Affidavit of Aden Thompson-Klein
sworn before me on this 24th day of
July, 2023

A handwritten signature in black ink, appearing to be 'A. Thompson-Klein', written over a horizontal line.

A Commissioner of taking Affidavits
in the Province of British Columbia

RETAINER AND CONTINGENCY FEE AGREEMENT

TO: **KLEIN LAWYERS LLP**

I, Reginald Percival, retain **KLEIN LAWYERS LLP** to act on my behalf with respect to a class action claim for damages arising from my removal from my family and community and placement in non-Indigenous boarding homes pursuant to the Federal government's Indian Boarding Home Program. If appointed by the court, I agree to act as a representative plaintiff in this case and to fulfill the responsibilities described in Schedule A to this agreement. I authorize you to take all necessary steps, incur all reasonable expenses, and employ such agents and counsel as you consider necessary.

The legal fee paid to **KLEIN LAWYERS LLP** will be 33.33% of the amount awarded to the class in settlement or judgment, plus disbursements, interest on disbursements and taxes. Interest on disbursements will be calculated at the rate of 10% per annum, not compounded.

If I terminate the services of **KLEIN LAWYERS LLP** before a settlement or judgement, they will have the right to a reasonable fee based on services rendered and time spent by the lawyers and paralegals.

Under the Rules of the Law Society of British Columbia, a lawyer may charge a maximum of 40% of the total amount recovered in a claim for personal injury or wrongful death. The percentage limit applies to all matters related to the trial of a lawsuit, but does not include any appeal. A lawyer and a client may make a separate agreement for legal fees for an appeal. Fees charged by differed lawyers may vary.

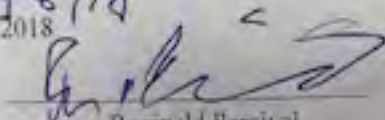
I understand, that pursuant to the *Legal Professions Act* and the *Law Society Rules*, I have the right within 3 months of the date of this Agreement, or of the date this Agreement is terminated, to apply to a District Registrar of the Supreme Court of British Columbia to have this agreement reviewed whether or not I have paid your fees.

Rule 334.4 of the *Federal Courts Rules* provides that "No payments, including indirect payments, shall be made to a solicitor from the proceeds recovered in a class proceeding unless the payments are approved by a judge".

While it is difficult to estimate what the expected fees will be, I understand that the fee in this case will depend on the amounts recovered for the class. By way of example only, I understand that if the class as a whole recovers \$10 million then the fee will be \$3.33 million, plus applicable taxes and disbursements. As set out above, the legal fees of counsel must be approved by the Court.

I acknowledge receiving a copy of this retainer and contingency fee agreement.

Dated at Vancouver, British Columbia on April 16, 2018

My 8/18

Reginald Percival

This is Exhibit "H" referred to in the
Affidavit of Aden Thompson-Klein
sworn before me on this 24th day of
July, 2023

A handwritten signature in black ink, consisting of a series of fluid, connected strokes, positioned above a horizontal line.

A Commissioner of taking Affidavits
in the Province of British Columbia

RETAINER AND CONTINGENCY FEE AGREEMENT

TO: **KLEIN LAWYERS LLP**

I, Iona Teena McKay, retain **KLEIN LAWYERS LLP** to act on my behalf with respect to a class action claim for damages arising from my removal from my family and community and placement in non-Indigenous boarding homes pursuant to the Federal government's Indian Boarding Home Program. If appointed by the court, I agree to act as a representative plaintiff in this case and to fulfill the responsibilities described in Schedule A to this agreement. I authorize you to take all necessary steps, incur all reasonable expenses, and employ such agents and counsel as you consider necessary.

The legal fee paid to **KLEIN LAWYERS LLP** will be 33.33% of the amount awarded to the class in settlement or judgment, plus disbursements, interest on disbursements and taxes. Interest on disbursements will be calculated at the rate of 10% per annum, not compounded.

If I terminate the services of **KLEIN LAWYERS LLP** before a settlement or judgement, they will have the right to a reasonable fee based on services rendered and time spent by the lawyers and paralegals.

Under the Rules of the Law Society of British Columbia, a lawyer may charge a maximum of 40% of the total amount recovered in a claim for personal injury or wrongful death. The percentage limit applies to all matters related to the trial of a lawsuit, but does not include any appeal. A lawyer and a client may make a separate agreement for legal fees for an appeal. Fees charged by differed lawyers may vary.


I understand, that pursuant to the *Legal Professions Act* and the *Law Society Rules*, I have the right within 3 months of the date of this Agreement, or of the date this Agreement is terminated, to apply to a District Registrar of the Supreme Court of British Columbia to have this agreement reviewed whether or not I have paid your fees.

Rule 334.4 of the *Federal Courts Rules* provides that "No payments, including indirect payments, shall be made to a solicitor from the proceeds recovered in a class proceeding unless the payments are approved by a judge".

While it is difficult to estimate what the expected fees will be, I understand that the fee in this case will depend on the amounts recovered for the class. By way of example only, I understand that if the class as a whole recovers \$10 million then the fee will be \$3.33 million, plus applicable taxes and disbursements. As set out above, the legal fees of counsel must be approved by the Court.

I acknowledge receiving a copy of this retainer and contingency fee agreement.

Dated at Vancouver, British Columbia on May 15, 2018

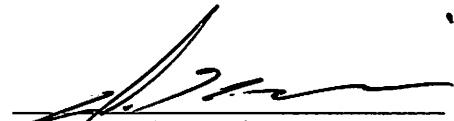

Iona Teena McKay

Schedule A

Responsibilities of a Representative Plaintiff

- Review the Statement of Claim and any amendments;
- Fairly and adequately represent the interests of the class;
- Communicate with and instruct your lawyer, who will act as counsel for the class;
- In consultation with counsel, produce a plan setting out a workable method for advancing the proceeding on behalf of the class and for notifying class members of the proceeding;
- Assist in the preparation of an affidavit and other materials in support of the motion for certification;
- Swearing affidavits as required;
- Attend if necessary, with a lawyer, for cross-examination on your affidavit(s);
- Become familiar with the issues to be decided by the Court;
- Attend, if necessary, with a lawyer at case planning conferences;
- Attend, if necessary with a lawyer for an examination for discovery where you will be asked questions relevant to the claim;
- Attend if necessary, with a lawyer, at trial to give evidence;
- Receive regular updates on the lawsuit and express your opinions about the lawsuit;
- Provide your opinions to your lawyer and to the Court if offers to settle the lawsuit are made;

This is Exhibit "I" referred to in the
Affidavit of Aden Thompson-Klein
sworn before me on this 24th day of
July, 2023

A handwritten signature in black ink, appearing to be 'A. Thompson-Klein', written over a horizontal line.

A Commissioner of taking Affidavits
in the Province of British Columbia

RETAINER AND CONTINGENCY FEE AGREEMENT

TO: **KLEIN LAWYERS LLP**

I, Allan Medrick McKay, retain **KLEIN LAWYERS LLP** to act on my behalf with respect to a class action claim for damages arising from my removal from my family and community and placement in non-Indigenous boarding homes pursuant to the Federal government's Indian Boarding Home Program. If appointed by the court, I agree to act as a representative plaintiff in this case and to fulfill the responsibilities described in Schedule A to this agreement. I authorize you to take all necessary steps, incur all reasonable expenses, and employ such agents and counsel as you consider necessary.

The legal fee paid to **KLEIN LAWYERS LLP** will be 33.33% of the amount awarded to the class in settlement or judgment, plus disbursements, interest on disbursements and taxes. Interest on disbursements will be calculated at the rate of 10% per annum, not compounded.

If I terminate the services of **KLEIN LAWYERS LLP** before a settlement or judgement, they will have the right to a reasonable fee based on services rendered and time spent by the lawyers and paralegals.

Under the Rules of the Law Society of British Columbia, a lawyer may charge a maximum of 40% of the total amount recovered in a claim for personal injury or wrongful death. The percentage limit applies to all matters related to the trial of a lawsuit, but does not include any appeal. A lawyer and a client may make a separate agreement for legal fees for an appeal. Fees charged by differed lawyers may vary.

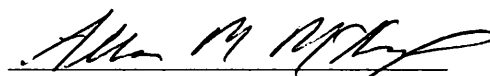
I understand, that pursuant to the *Legal Professions Act* and the *Law Society Rules*, I have the right within 3 months of the date of this Agreement, or of the date this Agreement is terminated, to apply to a District Registrar of the Supreme Court of British Columbia to have this agreement reviewed whether or not I have paid your fees.

Rule 334.4 of the *Federal Courts Rules* provides that "No payments, including indirect payments, shall be made to a solicitor from the proceeds recovered in a class proceeding unless the payments are approved by a judge".

While it is difficult to estimate what the expected fees will be, I understand that the fee in this case will depend on the amounts recovered for the class. By way of example only, I understand that if the class as a whole recovers \$10 million then the fee will be \$3.33 million, plus applicable taxes and disbursements. As set out above, the legal fees of counsel must be approved by the Court.

I acknowledge receiving a copy of this retainer and contingency fee agreement.

Dated at Vancouver, British Columbia on May 15, 2018


Allan Medrick McKay

Schedule A

Responsibilities of a Representative Plaintiff

- Review the Statement of Claim and any amendments;
- Fairly and adequately represent the interests of the class;
- Communicate with and instruct your lawyer, who will act as counsel for the class;
- In consultation with counsel, produce a plan setting out a workable method for advancing the proceeding on behalf of the class and for notifying class members of the proceeding;
- Assist in the preparation of an affidavit and other materials in support of the motion for certification;
- Swearing affidavits as required;
- Attend if necessary, with a lawyer, for cross-examination on your affidavit(s);
- Become familiar with the issues to be decided by the Court;
- Attend, if necessary, with a lawyer at case planning conferences;
- Attend, if necessary with a lawyer for an examination for discovery where you will be asked questions relevant to the claim;
- Attend if necessary, with a lawyer, at trial to give evidence;
- Receive regular updates on the lawsuit and express your opinions about the lawsuit;
- Provide your opinions to your lawyer and to the Court if offers to settle the lawsuit are made;

This is Exhibit "J" referred to in the
Affidavit of Aden Thompson-Klein
sworn before me on this 24th day of
July, 2023

A handwritten signature in black ink, appearing to be 'A. Thompson-Klein', written over a horizontal line.

A Commissioner of taking Affidavits
in the Province of British Columbia

250-633-2680

RETAINER AND CONTINGENCY FEE AGREEMENT

TO: KLEIN LAWYERS LLP

I, Lorna Watts, retain KLEIN LAWYERS LLP to act on my behalf with respect to a class action claim for damages arising from my removal from my family and community and placement in non-Indigenous boarding homes pursuant to the Federal government's Indian Boarding Home Program. If appointed by the court, I agree to act as a representative plaintiff in this case and to fulfill the responsibilities described in Schedule A to this agreement. I authorize you to take all necessary steps, incur all reasonable expenses, and employ such agents and counsel as you consider necessary.

The legal fee paid to KLEIN LAWYERS LLP will be 33.33% of the amount awarded to the class in settlement or judgment, plus disbursements, interest on disbursements and taxes. Interest on disbursements will be calculated at the rate of 10% per annum, not compounded.

If I terminate the services of KLEIN LAWYERS LLP before a settlement or judgement, they will have the right to a reasonable fee based on services rendered and time spent by the lawyers and paralegals.

Under the Rules of the Law Society of British Columbia, a lawyer may charge a maximum of 40% of the total amount recovered in a claim for personal injury or wrongful death. The percentage limit applies to all matters related to the trial of a lawsuit, but does not include any appeal. A lawyer and a client may make a separate agreement for legal fees for an appeal. Fees charged by differed lawyers may vary.

I understand, that pursuant to the *Legal Professions Act* and the *Law Society Rules*, I have the right within 3 months of the date of this Agreement, or of the date this Agreement is terminated, to apply to a District Registrar of the Supreme Court of British Columbia to have this agreement reviewed whether or not I have paid your fees.

Rule 334.4 of the *Federal Courts Rules* provides that "No payments, including indirect payments, shall be made to a solicitor from the proceeds recovered in a class proceeding unless the payments are approved by a judge".

While it is difficult to estimate what the expected fees will be, I understand that the fee in this case will depend on the amounts recovered for the class. By way of example only, I understand that if the class as a whole recovers \$10 million then the fee will be \$3.33 million, plus applicable taxes and disbursements. As set out above, the legal fees of counsel must be approved by the Court.

I acknowledge receiving a copy of this retainer and contingency fee agreement.

Dated at Kincolith, British Columbia on June 15, 2018

Lorna Watts

Lorna Watts

This is Exhibit "K" referred to in the
Affidavit of Aden Thompson-Klein
sworn before me on this 24th day of
July, 2023

A handwritten signature in black ink, appearing to be 'A. Thompson-Klein', written over a horizontal line.

A Commissioner of taking Affidavits
in the Province of British Columbia

Indian Day Schools Class Action Claims Administration

Missing Information

Claimants with incomplete claims at the Claims deadline, have or will be contacted by the Administrator with a listing of the information that is needed which may be submitted post January 13th, 2023. Please submit the missing information as soon as possible in order to allow processing of the claim. Please use this [copy of the Claim Form for Missing Information requests \(/indian-day-school-claims-class-action/claim-form\)](#).

The Indian Day Schools Class Action claims period and Deadline Extension period is now closed.

The Claims Administrator cannot accept any forms after January 13, 2023 at 11:59 PM PST. Both the Request for Deadline Extension Form and Claim form must have been received by January 13, 2023.

Are you a Claimant in this Class Action?

v

The Government of Canada has appointed Deloitte to process claims for Day Schools Claimants. This page is a resource for you, the claimant, to understand the claims process and find information about the status of your claim.

Contacts and Resources

Submit Your Missing Information

You may submit your missing information via email, fax, or postal mail.

Email indiandayschools@deloitte.ca (<mailto:indiandayschools@deloitte.ca>)

Fax 416-366-1102

Mail PO Box 1775, Toronto, ON Canada M5C 0A2

Claim Status

Legal Advice (Class Counsel)

Resources to Support You

Court Documents

Documents from the Court are provided for your information below. [These documents require Adobe Acrobat to view. Download Acrobat here.](#)

(<http://www.adobe.com/products/acrobat/readstep2.html>).

- [Consolidated Settlement Agreement \(/Consolidated%20Settlement%20Agreement.pdf\)](#).
- [Settlement Approval Order \(/Settlement%20Approval%20Order.pdf\)](#).

• [Schedule K - List of Federal Indian Day Schools \(As of August 8, 2019\) \(/Schedule%20K%20-%20List%20of%20Federal%20Indian%20Day%20Schools.pdf\)](#)

• [Long Form Notice of Settlement Approval \(/Long%20Form%20Notice%20of%20Settlement%20Approval.pdf\)](#)

The documents hosted on this page may not meet Provincial Accessibility standards. We will respond to any requests for accessible formats regarding public documents and address those requests in a timely and appropriate manner. Please contact us using the information under "Contact Us" section.

Settlement and Claims Information

- > [**Background on the Settlement**](#)
- > [**Understanding the Claims Process**](#)
- > [**Get help with the claims process**](#)
- > [**See Overall Claims Processing Status**](#)

Current as of July 10, 2023	Level 1	Level 2-5	Unspecified	Total
Claims Received Claims received through all methods of submission, including claims mailed, faxed, and submitted electronically.	129,312	53,428	1,993	184,733*
Claims determined as needing more information Claims in this category are either missing required information (for example, missing a narrative for level 2-5 claims), or some of the information received was not legible (for example a blurry name on an ID card). The Administrator makes every effort possible to reach out to these Claimants for updated information.	12,623	8,071	1,809	22,503

Current as of July 10, 2023	Level 1	Level 2-5	Unspecified	Total
Claims determined as not eligible for compensation Claims in this category were determined to not meet the eligibility criteria set out in the settlement agreement. The Claims Administrator has sent a letter to the Claimants, explaining reason(s) for this determination.	2,969	949	164	4,082
Claims currently in process The Claims Administrator is processing claims in this category. Please note that the settlement agreement includes a multi-phase process that takes time to complete. Our aim is to process each claim with care, quality, and compassion.	7,390	13,418	20	20,828
Claims Paid Claims where the Administrator has issued payment.	106,330 (82%)	30,990 (58%)	0	137,320 (74%)

* A total of 7,394 Claim forms have been received to date by the Administrator post the July 13, 2022 claims deadline during the extension period. These claims have been approved for deadline extension. Note that the extension request period ended on January 13, 2023.

> **Frequently Asked Questions**

[For frequently asked questions, please click here. \(/indian-day-school-claims-class-action/indian-day-schools_faq_en.pdf\).](#)

Updates from the Administrator

Claim Submission Deadline - July 13, 2022 at 11:59 PM Pacific Standard Time (PST).

In order to be considered for a deadline extension you must file a Deadline Extension Form

A claim form must be received by the Administrator by the Claims Deadline (July 13, 2022) under the Settlement Agreement. Please note that it is the Claimants' responsibility to ensure their claim

meets the Claims Deadline. Class Counsel is available to assist claimants with their claim form completion/submission at dayschools@gowlingwlg.com (<mailto:dayschools@gowlingwlg.com>) or 1-844-539-3815.

If a claim form is not received by July 13, 2022, an extension must be requested by the claimant and approved by the Exception Committee. The Extension Request Form is available [here](#).

Claimants with incomplete claims will be contacted with a listing of the information that is needed to process the claim, which should be submitted as soon as possible. **Missing information must be received as soon as possible in order to be processed.**

FOR ESTATES: For deceased class members, where estate documentation cannot be obtained by the Claims Deadline (July 13, 2022), we encourage that claims forms should still be submitted by the July 13, 2022 deadline, and the missing estate information as soon as possible in order to be processed.

Claim Submission - April 8, 2022 Update

CLAIMANTS MISSING INFORMATION

Claimants who are missing information from their Claim form may be contacted again by the Claims Administrator to notify them that information remains outstanding from their Claims submission and we have not yet received a response. The Claims Administrator will make efforts to contact claimants with outstanding information by email (from email address noreply-indiandayschools@deloitte.dm-4.com) and/or by phone (if no email address was provided in the claim form). Claimants are encouraged to submit ALL outstanding information and/or contact the call centre for assistance as soon as possible.

SUBMISSION OF CLAIMS

If you have submitted a Claim form, but you have not yet heard from us, please contact the Call Centre at 1-888-221-2898 to ensure we have received your claim and to find out the status of your claim.

Claim Submission Deadline

The Claims Administrator remains committed to ensuring that all Claimants are given the opportunity to submit a complete claim form within the Claims Period prescribed under the Settlement Agreement.

All claims must be received by the Administrator by the Claims Deadline. It is the Claimants' responsibility to ensure their claim meets the Claims Deadline.

The Claims Deadline is **July 13, 2022 at 11:59 PM Pacific Standard Time (PST)**.

In order to meet the Claims Deadline,

- Claims submitted by **email or fax** must be received by the Claims Administrator or have an electronic, system-generated date stamp of no later than **July 13, 2022 at 11:59 PM PST**.
- Claims Submitted by **regular mail or courier** must be received by the Claims Administrator or postmarked by Canada Post or courier service provider by no later than **July 13, 2022 at 11:59 PM PST**. For clarity, the term "postmark" refers to an official mark stamped on a letter or package by either Canada Post or a courier service indicating the date and time that the correspondence was received by Canada Post/courier service. A postmark may not be automatically applied by the post office or courier service. Therefore, it is the responsibility of the Claimant to request and obtain a postmark on their claim submission.

For greater certainty, a Claim submission may be received by the Claims Administrator after **July 13, 2022 at 11:59 PM PST**, so long as the electronic, system-generated date stamp (in the case of

email or fax) or postmark (in the case of regular mail or courier) indicated on the correspondence is **before** the Claims Deadline.

PLEASE NOTE: Claims submitted by regular mail or courier that are received by the Claims Administrator after July 13, 2022 at 11:59 PM PST without a postmark will be deemed to have been received after the Claims Deadline and might not be accepted.

Claim Process Update – November 26, 2020

We honour the continued courage and strength of those who have submitted, or are working to submit, their Claim Form. The Claims Administrator continues to be committed to thoroughly reviewing claims in order to process in a compassionate and respectful manner as soon as possible.

In the coming weeks, some Claimants who have already submitted claims will receive a letter from the Claims Administrator with a level assessment of their Claim Form. This letter may indicate that the Claimant has been assessed at a lower level than the Claimant initially selected.

It's important to know that this decision is **NOT** final. Claimants can request to have their Claim Forms reconsidered by the Claims Administrator. Here is some information to guide the process:

- To ask for a Reconsideration, Claimants must submit a "*Reconsideration Decision Form*" to the Claims Administrator by fax or letter (reconsiderations cannot be processed by the call centre);
- **Claimants will have 120 days** from the time they receive the Claims Administrator's notice to request a reconsideration;
- Claimants may choose to provide more information/documentation to support their claim at the level they initially selected.
- Reconsideration is **ONLY** available to claimants that receive a level down letter.

HOW LOWER LEVEL CLAIM DECISIONS WERE MADE

The Administrator has assessed some claims at a lower level based on the information provided by the claimant in the associated claim form. The information shared in the claim form must correspond with the level being claimed in order to be determined at the level claimed. For example, if a claimant submitted a claim for a level 4 – but their claim form described abuse/harm outlined in level 2, then the claim would be determined at a level 2.

IMPORTANT INFORMATION ABOUT TIMELINES

We encourage each Claimant to take time to carefully review the letter and reasons before making their decision. However, it is very important to know that if Claimants do not submit the Reconsideration Form within the 120-day period, the Claims Administrator will process the claim at the lower level and send compensation for that level. **If this happens, the claim can no longer be reconsidered and the level assessed by the Claims Administrator is final.**

If you do not receive a letter with an assessment, that means we are continuing to review your claim. You do not need to do anything further right now.

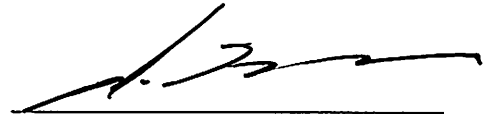
SUPPORT FOR CLAIMANTS

We understand that Claimants may have questions about this process. If you receive a letter and would like to request a Reconsideration, we strongly encourage you to reach out to Class Counsel for assistance. If you would like to speak with a lawyer about what next steps are available to you, please call Class Counsel at 1-844-539-3815 or email dayschools@gowlingwlg.com (<mailto:dayschools@gowlingwlg.com>). Their support is free.

If you have any questions about the Claims Process, please do not hesitate to contact the Claims Administrator Call Centre at 1-888-221-2898. Note that due to an increased volume of calls related to personal claims status, we would like to inform you that you may be waiting longer than

usual to speak with someone. The average wait time is currently more than 5 minutes. We appreciate your patience as we do our best to assist you as quickly as possible.

This is Exhibit "L" referred to in the
Affidavit of Aden Thompson-Klein
sworn before me on this 24th day of
July, 2023

A handwritten signature in black ink, appearing to be 'D. Thompson-Klein', written over a horizontal line.

A Commissioner of taking Affidavits
in the Province of British Columbia

Court File No.: T-1417-18

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

And

HER MAJESTY THE QUEEN

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

MOTION RECORD

KLEIN LAWYERS LLP
400 – 1385 West 8th Avenue
Vancouver, BC V6H 3V9

David Klein
Douglas Lennox
Phone: 604-874-7171
Fax: 604-874-7180

Lawyers for the Plaintiffs,
Reginal Percival, Allan Medick
McKay, Iona Teena McKay,
and Lorna Watts

**DEPARTMENT OF JUSTICE
CANADA**
Civil Litigation Section
50 O'Connor Street, 5th Floor
Ottawa, ON K1A 0H8

Catharine Moore
Phone: 403-503-8888
Fax: 587-316-2260

Lawyers for the Defendant

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dated May 4, 2021.....page 12

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Tab 1

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

NOTICE OF MOTION

TAKE NOTICE THAT the Plaintiffs will make a motion on consent of all parties and in writing, under Rule 369 of the Federal Courts Rules, SOR/98-106 (the “Rules”), to the Honourable Court.

THE MOTION IS FOR:

1. An order to appoint MV Management as a joint expert of the parties to conduct a survey of 100 band councils to assist the parties in gathering information relevant to this certified class action.
2. An order that the Defendant, Her Majesty the Queen in Right of Canada, pay MV Management its reasonable fees and expenses in connection with the appointment.

3. Such further and other relief as counsel may request and as this Honourable Court may permit.

THE GROUNDS FOR THE MOTION ARE:

1. This lawsuit concerns the Defendant's boarding homes program and allegations of harm to Indigenous children who participated in the program.

2. This action was certified as a class proceeding by this Honourable Court on June 28, 2019.

3. The wrongs alleged are historical in nature and date back many years. The parties have engaged in process of document review and exchange to better understand the extent and duration of the boarding homes program.

4. It has been important for the parties to trace this history so that they might better understand, among other things, over what period of time did the program run, on what dates did responsibility for the boarding home program transfer from the Defendant to various band councils, and what documentary evidence is available to establish that responsibility for the boarding home program was transferred from the Defendant to a band.

5. Such information assists the parties in determining class size, in ensuring the adequacy of any notice program, and ultimately, in achieving a fair and efficient resolution of this action.

6. The existing archival documentation has limits. It contains the records of one party to a transfer of authority. The parties have determined that commissioning an expert to conduct a

survey of 100 band councils regarding educational transfers of authority will help to confirm and supplement the archival record.

7. The parties have identified Melanie Vincent of MV Management as a suitable expert to conduct the survey. Ms. Vincent is a member of the Huron Wendat nation and is well qualified by her education and professional experience to conduct this work. Among other things, she has served as a communications expert during the implementation of two class action settlements involving indigenous class members. Ms. Vincent has prepared a written proposal and budget for the anticipated survey work.

Legislative Provisions Relied Upon

8. Rules 334.11, 334.16, 334.28, 334.32, 369, 384.1 and 385 of the *Federal Court Rules*.

9. Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used in support of the motion:

1. Affidavit of Lorenzo Babini, affirmed May 4, 2021;
2. The signed consent of all parties;
3. Written Submissions;
4. Draft Order; and,
5. Such further and other material as counsel may advise and this Honourable Court may permit.

May 5, 2021



Douglas Lennox

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Lawyers for the Plaintiffs (moving parties),
Reginald Percival, Allan Medrick McKay, Iona Teena McKay and Lorna Watts



Per : David Schulze

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Lawyers for the proposed Quebec Subclass

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Travis Henderson
Tel: (613) 670-6374 / Fax: (613) 941-120

Lawyers for the Defendant

Tab 2

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

and:

HER MAJESTY THE QUEEN

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

CONSENT

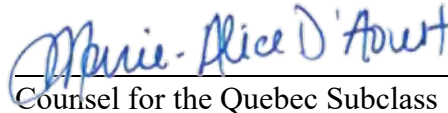
The parties by their solicitors hereby consent to an order substantially in the form attached as Schedule A.

Date: May 4, 2021



Counsel for the Plaintiff Class

Date: May 4, 2021



Counsel for the Quebec Subclass

Date: May 4, 2021



Counsel for the Defendant

Schedule A: Draft Order

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

And

HER MAJESTY THE QUEEN

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

ORDER

UPON READING the motion in writing, brought by the Plaintiffs, with the parties having filed their written consent to the motion,

IT IS ORDERED THAT:

1. MV Management shall be appointed as a joint expert of the parties to conduct a survey as described in the motion record.
 2. The Defendant shall pay MV Management its reasonable costs for conducting the survey.
-

Tab 3

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

AFFIDAVIT OF LORENZO BABINI

I, Lorenzo Babini, of the City of Vancouver, in the Province of British Columbia, AFFIRM AS FOLLOWS:

1. I am an articling student at Klein Lawyers LLP, court appointed class counsel in this certified class action. I have knowledge of the matters deposed. Where evidence covered in my affidavit is based on information and belief, I have disclosed the source of this information and believe it to be true. The source of my information at paragraphs 2, 3, 4 and 9-11 are the documents referenced herein. The source of my information at paragraphs 5-8 is Douglas Lennox, a lawyer at our firm.

2. This lawsuit concerns the Defendant's boarding homes program and allegations of harm to Indigenous children who participated in the program. A copy of the Statement of Claim, dated July 24, 2019, is attached as **Exhibit A**.

3. This action was certified, on consent, as a class proceeding on June 28, 2019. A copy of the certification order is attached as **Exhibit B**.

4. The definition of the Primary Class is as follows:

“Primary Class means persons who were placed by the Government of Canada in private homes for the purposes of attending school, excluding placements made for the purposes of attending a post-secondary educational institution.”

5. The wrongs alleged are historical in nature and date back many years. Since the certification order, the parties have engaged in a process of document exchange and review. In particular, the Defendant has provided the Plaintiffs with many archival documents which help to delineate the extent and duration of the boarding homes program. The lawsuit alleges, and the affidavits of the representative plaintiffs filed on class certification indicate, that the boarding homes program operated decades ago. The experiences of the representative plaintiffs themselves with the program, for example, dates to the 1960s.

6. It has been important for the parties to trace this history so that they may better understand, among other things, over what period of time did the program run, and on what dates did responsibility for the boarding home program transfer from the Defendant to various band councils. In other words, when was the program transferred to the control of a particular council and on what terms? One of my jobs as an articling student has been to help review and analyze the archival documents as part of the Plaintiffs' discovery team so as to better understand this question.

7. Determining the nature and extent of the boarding homes program, and the dates of its operation in various parts of the country, is of assistance to the parties in determining class size, to ensuring the adequacy of any notice program that might be issued in the class action, and ultimately, to achieving a fair and efficient resolution of this case.

8. An issue that the parties have been examining concerns the timing of the transfer of control over educational programs by the Defendant to various band councils across Canada, and the nature and degree of that transfer. From our review of the archival documents exchanged, it is clear that such transfers were not uniform. Transfers happened with respect to different band councils at different dates under different circumstances. Further, the archival documentation from the Defendant, dating back decades, is only one source of information, held by one party to said transfer. The parties believe it would be useful to make inquiries of relevant band councils to help confirm and supplement the archival information.

9. The parties have determined that an efficient and reasonable way to make such inquiries is to commission an Indigenous expert to conduct a survey of 100 representative bands. This survey will help serve as a cross-check on the available archival information and assist with the development of further avenues of inquiry on this issue.

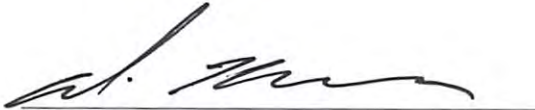
10. The Plaintiffs propose to hire Ms. Melanie Vincent of MV Management to conduct the survey. Ms. Vincent's proposal, her estimated budget and her professional qualifications are attached as **Exhibit C**. The Defendant has consented to Ms. Vincent being so appointed, and she would serve as a joint expert for both parties if approved by the court.

11. Ms. Vincent is a member of the Huron-Wendat Nation. She is multi-lingual and well qualified by her education and her professional experience to conduct the survey. Indeed, Ms. Vincent has acted as a communications expert and liaison in two other class actions in Canada involving Indigenous claimants.

12. From my own research and review of the available documentation, I believe that there may be over 600 band councils in Canada. A survey of 100 such councils would represent a significant portion of the total. Further, the parties believe that Ms. Vincent may be able to target her survey by focusing on issues of remoteness as described in her proposal. That is, the boarding homes program would be most relevant to band councils in remote and sparsely populated regions of the country. A function of the boarding homes program was to send children away from their Indigenous communities to schools and boarding homes in larger centres because schooling opportunities may have been more limited or unavailable within or near to that particular

Indigenous community. Which is to say, not all band councils would have participated in the boarding homes program, and the survey can seek to focus its gathering of information from the relevant councils.

SWORN BEFORE ME in the)
Vancouver in the)
Province of British Columbia)
this 4th day of May, 2021)
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)


A Commissioner for Taking Affidavits
In the Province of British Columbia


Lorenzo Babini

DAVID A. KLEIN
Barrister & Solicitor
400-1385 West 8th Avenue
Vancouver, BC V6H 3V9

This is Exhibit "A" referred to in the
Affidavit of Lorenzo Babini Sworn
before me this 4th day of May 2021

A handwritten signature in black ink, appearing to be 'L. Babini', written over a horizontal line.

A Commissioner of taking Affidavits
in the Province of British Columbia

**FEDERAL COURT
PROPOSED CLASS PROCEEDING**

BETWEEN:

e-document	T-1417-18
F I L E D	FEDERAL COURT COUR FÉDÉRALE
	REGISTRATION
	Jul 24, 2018
Joyce Fan	
Vancouver, BC	

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
LORNA TEENA MCKAY AND LORNA WATTS

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

STATEMENT OF CLAIM

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defense in Form 171B prescribed by the Federal Courts Rules, serve it on the plaintiffs' solicitor or, where the plaintiffs do not have a solicitor, serve it on the plaintiffs, and file it, with proof of service, at a local office of this Court, WITHIN 30 DAYS after this statement of claim is served on you, if you are served within Canada.

If you are served in the United States of America, the period for serving and filing your statement of defense is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defense is sixty days.

Copies of the Federal Courts Rules, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Date: _____

Issued by: _____
(Registry Officer)

Address of local office: Pacific Centre
P.O. Box 10065
701 West Georgia Street,
Vancouver, British Columbia
V7Y 1B6

TO: Her Majesty the Queen
Office of the Deputy Attorney General of Canada
British Columbia Regional Office
Department of Justice Canada
900 – 840 Howe Street,
Vancouver, British Columbia
V6Z 2S9

Relief Sought

1. The Plaintiffs, Reginald Percival, Allan Medrick McKay, Iona Teena McKay and Lorna Watts, claim on their own behalf and on behalf of a class of similarly situated persons:

- a. an order certifying this action as a class proceeding and appointing Reginald Percival, Allan Medrick McKay, Iona Teena McKay and Lorna Watts as representative plaintiffs under the Federal Courts Rules, SOR/98-106;
- b. general damages plus damages equal to the costs of administering the plan of distribution;
- c. special damages in an amount to be determined, including but not limited to past and future medical expenses and out-of-pocket expenses;
- d. exemplary and punitive damages;
- e. punitive damages pursuant to the *Charter of Human Rights and Freedoms*, CQLR c C-12 and the *Civil Code of Quebec*, CQLR c C-1991;
- f. disgorgement by the Defendant of its profits;
- g. recovery of health care costs incurred by the Ministry of Health and its predecessor Ministries and Departments and other provincial and territorial health insurers on behalf of the Plaintiffs and other Class Members pursuant to the *Health Care Costs Recovery Act*, SBC 2008, c 27 and comparable legislation in the other provinces and territories;
- h. damages pursuant to the *Family Law Act*, RSO 1990 c F-3 and comparable legislation in other provinces and territories;
- i. pre-judgment and post-judgment interest;
- j. costs; and
- k. such further and other relief as this Honourable Court may deem just.

Nature of this Action

2. This action concerns the establishment, implementation, administration and management by the Defendant, Her Majesty the Queen (“Canada”), of the Boarding Home Program for Indian Students, an educational program designed to advance Canada’s policy of culturally assimilating Indigenous persons into mainstream Canadian society.

3. Pursuant to the Boarding Home Program for Indian Students, Indigenous children and adolescents (collectively “children”) were forcibly removed from their families and Indigenous communities by Canada and then transported to urban communities to stay with boarding families and to attend public, non-Indigenous schools.
 4. Canada placed the Indigenous children in boarding homes primarily with non-Indigenous families and, at times, with Indigenous families belonging to a different First Nation, Inuit ethnic group or ancestral Métis community than their own. Canada screened and monitored the boarding homes and provided funding, for each Indigenous child in care, to those that operated the boarding homes.
 5. As a consequence of the Boarding Home Program, Indigenous children were separated by large geographical distances from their families and communities and were unreasonably denied access to their language, culture, traditions, customs and aboriginal and treaty rights and benefits.
 6. The individuals operating the boarding homes were often predators who inflicted physical, sexual, emotional and psychological abuse on the Indigenous children they housed. And the children were often subjected to child slavery and unpaid labour. Canada knew of this abuse and tolerated, acquiesced and, in some cases, encouraged it. Canada failed to remove Indigenous children from abusive boarding homes in a timely manner or at all.
 7. At all material times, Canada had a duty to protect and preserve the culture and identity of the Indigenous children. Canada also had a duty to prevent injury to Indigenous children and to ensure their mental and physical health and well-being.
 8. Canada’s conduct and the conduct of its servants in establishing, implementing, administering and managing the Boarding Home Program for Indian Students caused extreme and ongoing harm to the Plaintiffs and other class members.
 9. Class members experienced a loss of their Indigenous culture, language and identity, suffered extreme sexual, physical and psychological abuse and lost the opportunity to exercise
-

their aboriginal and treaty rights. These harms continue to have devastating intergenerational effects on Indigenous families and communities.

Parties and Class

10. The Plaintiff, Reginald Percival, is an Indian as defined by the *Indian Act*, RSC 1985, c I-5 and a member of the Nisga'a Nation. Pursuant to the Boarding Home Program for Indian Students, Canada forcibly removed Mr. Percival from his family and Nisga'a community when he was 13 years old. Mr. Percival currently resides in Gitlaxt'aamiks, British Columbia.

11. The Plaintiff, Iona Teena McKay, is an Indian as defined by the *Indian Act*, RSC 1985, c I-5 and a member of the Nisga'a Nation. Pursuant to the Boarding Home Program for Indian Students, Canada forcibly removed Ms. McKay from her family and Nisga'a community when she was 12 years old. Ms. McKay currently resides in Terrace, British Columbia.

12. The Plaintiff, Allan Medrick McKay, is an Indian as defined by the *Indian Act*, RSC 1985, c I-5 and a member of the Nisga'a Nation. Pursuant to the Boarding Home Program for Indian Students, Canada forcibly removed Mr. McKay from his family and Nisga'a community when he was 14 years old. Mr. McKay currently resides in Terrace, British Columbia.

13. The Plaintiff, Lorna Watts, is an Indian as defined by the *Indian Act*, RSC 1985, c I-5 and a member of the Nisga'a Nation. Pursuant to the Boarding Home Program for Indian Students, Canada forcibly removed Ms. Watts from her family and Nisga'a community when she was 12 years old. Ms. Watts currently resides in Kincolith, British Columbia.

14. After their apprehension by Canada, the Plaintiffs were all placed in boarding homes with non-Indigenous and non-Nisga'a families in urban communities across British Columbia.

15. From a time prior to contact with Europeans to the present, the Nisga'a Nation has sustained its people, communities and distinctive culture by exercising Nisga'a laws, customs and traditions in relation to citizenship, adoption, family care, marriage, property and use of resources.

16. The Plaintiffs bring this action on their own behalf and on behalf of a proposed class of Indigenous persons in Canada who were taken from their families and Indigenous communities and placed in boarding homes with non-Indigenous families or with Indigenous families belonging to a different First Nation, Inuit ethnic group or ancestral Métis community than their own (“Class Members”, to be further defined in the Plaintiffs’ application for class certification). The Class is composed of Indians, Inuit and Métis persons.

17. The Plaintiffs and Class Members are aboriginals within the meaning of section 35 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982 c 11. The Plaintiffs and Class Members’ aboriginal and treaty rights existed and were exercised at all relevant times pursuant to section 35 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982 c 11.

18. The Plaintiffs also bring this action on behalf of each person who, by reason of his or her relationship to a Class Member, is entitled by legislation to make a claim as a result of injury to the Class Member (collectively “Secondary Class Members”). This legislation includes but is not limited to the *Family Law Act*, RSO 1990, c F-3; the *Tort-Feasors Act*, RSA 2000, c T-5; *The Tortfeasors and Contributory Negligence Act*, CCSM, c T-90; the *Tortfeasors Act*, RS 1989, c 471; the *Tortfeasors Act*, RSNB 2011, c 231; the *Civil Code of Quebec*; comparable legislation in other provinces and territories; and the common law.

19. The Defendant Canada was, at all relevant times, responsible for the administration of the *Indian Act*, RSC 1985, c I-5 and its predecessor statutes. Canada has exclusive jurisdiction in respect of Indigenous persons pursuant to section 91(24) of the *Constitution Act, 1867*, 30 & 31 Victoria, c 3 (UK) and the common law.

20. Canada’s liability arises from its negligence and breach of fiduciary duty, and from the conduct, negligence and malfeasance of individuals who were at all material times Canada’s employees, agents and servants. Canada had authority and control over these employees, agents and servants and is vicariously liable for their torts and for the damage caused by their faults,

pursuant to section 3 of the *Crown Liability and Proceedings Act*, RSC 1985, c C-50 and its predecessor legislation.

The Boarding Home Program for Indian Students

21. In or around the early 1950s, Canada determined that the assimilation of Indigenous children into mainstream Canadian society could be accelerated if Indigenous students were removed from Indigenous communities or segregated residential schools and put into public provincial schools in urban municipalities. To further this policy objective, Canada created and implemented the Boarding Home Program for Indian Students.

22. The Boarding Home Program for Indian Students operated throughout Canada and continued until the early 1980s.

23. At all relevant times, the program was operated, administered and maintained by Canada's Department of Indian Affairs and Northern Development and its predecessor Ministries and Departments.

24. To facilitate the implementation of the Boarding Home Program, Canada sought out boarding homes for the children, offering funding for the room and board of each Indigenous child in care.

25. Canada also entered into agreements with the provinces and territories pursuant to which the provinces and territories would permit Indigenous children to attend provincial and territorial public schools, and Canada would provide payments to the provinces and territories to cover the cost of tuition, books and supplies for each Indigenous child in attendance.

26. Pursuant to the Boarding Home Program, Canada apprehended Indian, Inuit and Métis children, transported them to urban municipalities and placed them in boarding homes to live with strangers – sometimes hundreds of kilometres from their families and Indigenous communities.

Student Experiences

Loss of Culture

27. Canada's conduct in the creation, administration, maintenance, funding and operation of the Boarding Home Program for Indian Students furthered Canada's policy of forcibly assimilating Indigenous peoples, and it systematically eradicated the culture, society, language, customs, traditions, practices and spirituality of the Plaintiffs and other Class Members.

28. Pursuant to the Boarding Home Program, Class Members were forced to live in boarding homes for extended stays – sometimes for years – far removed from their families, cultural communities and language.

29. Class Members were expected to assimilate into non-Indigenous culture and were taught to be ashamed of their Indigenous culture and identity.

30. Given the significant change in their environment, Class Members often suffered from culture shock, accompanied by depression and anxiety.

31. Class Members were discouraged or forbidden from maintaining contact with their Indigenous families. Given the geographical distance of the urban boarding homes from many Indigenous communities, the families of Class Members were often unable to visit. And when families did undertake the expense and lengthy travel to visit, they were often denied the ability to see and interact with their loved ones.

32. Class Members were denied any reasonable opportunity to practice and maintain their Indigenous identity, language, culture, rights, customs and traditions. The boarding home families did not speak Indigenous languages and did not teach Class Members about their Indigenous cultural traditions and practices.

33. Class Members were often deprived of their aboriginal and treaty rights and monetary benefits to which they were entitled under the *Indian Act* and related legislation and policies.

34. The denial of familial and cultural connections caused significant emotional and financial harm for the Plaintiffs and other Class Members.

Physical, Sexual and Psychological Abuse

35. The Boarding Home Program for Indian Students was poorly executed and managed. Canada insufficiently vetted boarding homes and failed to ensure that Indigenous students in the care of boarding home families were safe and secure. Consequently, Class Members were subjected to egregious physical, sexual, emotional and psychological abuse perpetrated by their boarding home families. This abuse was systemic and existed within the Boarding Home Program at large.

36. Through its policies, acts and omissions, Canada created an environment where abuse of Class Members was commonplace, condoned and, arguably, encouraged.

37. Given the financial incentive for hosting Indigenous students, boarding home families often housed more students than they had room for. Students were often housed in overcrowded conditions, often with other students and often segregated from the boarding home family's primary living space, either through locks or through physical restraints.

38. Class Members – children and adolescents – were repeated fondled, raped and sodomized by members of their boarding home families.

39. Class Members – children and adolescents – were frequently required to perform fellatio on members of their boarding home families.

40. Class Members were frequently beaten by members of their boarding home families and subjected to racism and psychological abuse.

41. Class Members were often required to perform slave labour for their boarding home families.

42. Many Class Members were malnourished as they were not fed nutritional meals and, often, were denied food for extended periods of time. The fridges in boarding homes were often padlocked.

43. Class Members often had no one to report the abuse and other harm to. When abuse and other injustices were reported to counsellors and other servants of Canada, no meaningful and timely action was taken to safeguard Class Members against further abuse and harm. And the perpetrators were not sufficiently punished.

Representative Plaintiffs

Reginald Percival

44. Mr. Percival was born on August 13, 1955 in Gitlaxt'aamiks, British Columbia.

45. As a young child and in order to avoid being sent to a residential school or boarding home, Mr. Percival's parents often hid him to evade his apprehension by agents of Canada.

46. However, at the age of 13 – one week after his father died in a logging accident – Mr. Percival and about 500 other Nisga'a children were apprehended by Canada pursuant to the Boarding Home Program for Indian Students. The children were forced to leave their families and Nisga'a communities and were transported by bus loads to municipalities in British Columbia and Alberta, far from their Nisga'a homes. Mr. Percival recalls the sea of children being led onto the buses.

47. Mr. Percival felt scared and alone.

48. When Mr. Percival's bus arrived in Vancouver, a counsellor from Indian Affairs and Northern Development called out his name and the names of the other children, and they were matched with their boarding home families. Mr. Percival never again saw most of the children who were apprehended that day.

49. Mr. Percival's boarding home family was non-Indigenous. When Mr. Percival first met them, they threw his bag in the back of their pick-up truck and told him to climb in the back with

his bag. They then drove off without saying anything further to Mr. Percival. He recalls sitting in the back of the truck, petrified as the truck sped off. He wondered if he would ever again see his family and his Nisga'a community.

50. When Mr. Percival arrived at his boarding home in Surrey, British Columbia, he was told that he would be staying in the basement of the house with four other boarding home children. He and the other children were segregated from his boarding home family and rarely able to interact with them.

51. Mr. Percival recalls the extreme racism he endured at the hands of his boarding home family. He frequently heard his boarding home parents say that they "were getting back their taxes" by housing Indian children.

52. Mr. Percival's boarding home family did not speak his Nisga'a language. Neither did the other children in the boarding home. Mr. Percival's boarding home parents discouraged any contact with his family and denied Mr. Percival any reasonable opportunity to practice his Nisga'a language, culture, customs, heritage and traditions. He was also denied any reasonable opportunity to practice his aboriginal rights as a Nisga'a member.

53. Mr. Percival was, in reality, forced to forget his Nisga'a language and culture and "act white" in order to survive. He didn't feel like a person. He was known in many contexts only by his "number": 6770042601.

54. Mr. Percival's boarding home family would often keep the monthly allowance he received from Canada – \$20 – which was meant to buy clothes and other necessities.

55. Mr. Percival attended Johnston Heights Secondary School in Surrey where he encountered physical and verbal abuse from the non-Indigenous students. On Mr. Percival's first day there, one of the older students called him a "squaw". Before he could react, Mr. Percival's shirt was grabbed from behind by a teacher. The teacher told him that any retaliatory action on his part would result in him being kicked out of school.

56. Mr. Percival was frequently called a “dumb Indian” and a “dirty Indian” by both students and teachers and was often beaten up by non-Indigenous students. These students were defended by the teachers even when the teachers heard the students’ racist insults. Mr. Percival recalls the teachers simply smirking and allowing the violence to continue.

57. The non-Indigenous students at the school would throw food at the back of Mr. Percival’s head during lunch break.

58. Mr. Percival was never allowed to play sports. He was never invited to or allowed to participate in any track and field events and was made to sit on the bench during basketball games. His non-Indigenous peers were never treated this way.

59. The racism Mr. Percival experienced every day at Johnston Heights Secondary School caused him to feel ashamed of his Nisga’a identity. He never felt like he belonged at the school or anywhere. He felt alone, anxious and depressed.

60. Despite his constant complaints to his counsellor from Indian Affairs and Northern Development, neither the counsellor nor any other servant of Canada intervened or otherwise tried to help Mr. Percival. Consequently, he internalized his pain and became too ashamed to talk about his experiences.

61. Eventually, alone and overwhelmed by shame, he turned to alcohol to ease his pain.

62. Mr. Percival did not return home immediately after completing the Boarding Home Program for Indian Students – he did not feel that he had a home to return to.

63. After completing post-secondary education, Mr. Percival worked with the Union of BC Indian Chiefs in Vancouver. He returned to Gitlaxt’aamiks when he was offered a position with the Nisga’a Health Authority in 1989. He was 34.

64. On returning home to his family and Nisga'a community, Mr. Percival felt displaced and isolated. The emotional and physical separation from his family and community at such a young age had permanently impacted his ability to fit in with his Nisga'a family and community.

65. As a result of Canada's Boarding Home Program for Indian Students, Mr. Percival lost his Nisga'a language, identity, heritage and culture. He also lost monetary benefits to which he was entitled under the *Indian Act*.

66. It's taken Mr. Percival several years to rebuild his place in his Nisga'a community. He has undergone counselling and now acts as a counsellor for others who are survivors of the Boarding Home Program and the residential school system. Mr. Percival also works as an Administrative Review Officer for the Nisga'a Lisims Government.

67. Mr. Percival continues to be haunted by his Boarding Home Program experience and has for years struggled with depression and anxiety. He has nightmares about being taken away from his family – and still hears the cries of the parents as their children were herded onto the buses.

68. Mr. Percival's depression and anxiety prevented him from bringing an action against Canada in respect of his injury, damage or loss caused by the Boarding Home Program for Indian Students. Mr. Percival has always felt silenced and has never felt safe or capable of sharing his experiences.

69. It was only in the summer of 2018, after meeting several other survivors of the Boarding Home Program and hearing their stories of abuse and loss of culture, that he felt compelled to give a public voice to their stories. The support of his Nisga'a community had the effect of sufficiently stabilizing his depression and anxiety so he could consider commencing this litigation.

Iona Teena McKay

70. Ms. McKay was born on October 10, 1955 in Laxgalts'ap, British Columbia.

71. Although her father had successfully hidden Ms. McKay in her early years to avoid her apprehension, Ms. McKay was apprehended by Canada when she was 12. Ms. McKay and her family were advised that she was being apprehended pursuant to the Boarding Home Program for Indian Students, and that she would be sent to live with a boarding home family elsewhere to attend public school.

72. Ms. McKay recalls being incapacitated by fear and deep sadness. Not only was she being taken from her family, she was, at age 12, about to be transported to a whole new life.

73. Ms. McKay was transported by boat and then bus, along with several other Indigenous children, to Terrace, British Columbia, to start her new life.

74. When she arrived in Terrace, Ms. McKay was met by a counsellor from Indian Affairs and Northern Development. She was told that she would be living with a non-Indigenous family from Holland.

75. Ms. McKay's boarding home family was racist and treated her like a second-class citizen.

76. In addition to the psychological abuse Ms. McKay had to endure, she was physically and sexually abused by her boarding home father.

77. On one occasion, Ms. McKay snuck out of the house to watch a movie. After being caught, her boarding home father beat her repeatedly with his belt. As he was doing so, he told her that she was "stupid" and that she would "be like every other Indian in this world – waiting in the welfare line".

78. One night, while Ms. McKay was asleep, her boarding home father came into her room and started fondling her labia and clitoris before inserting his fingers into her vagina. Ms. McKay was petrified.

79. When Ms. McKay disclosed the sexual assault to her boarding home mother, her boarding home mother called Ms. McKay – only 12 – a "dirty Indian whore" and kicked her out of their home.

80. Ms. McKay reported the abuse to her Indian Affairs and Northern Development counsellor. To Ms. McKay's knowledge, her boarding home father was never punished.
 81. After being kicked out of her first boarding home, Ms. McKay's counsellor sent Ms. McKay to live with another boarding home family in Terrace.
 82. Ms. McKay endured psychological and sexual abuse in her new boarding home.
 83. Ms. McKay had two boarding home brothers at this second home. The older brother would often come into Ms. McKay's bedroom at night while he was naked and drunk. Every night, Ms. McKay felt terrified – worried that he would come into her room naked again.
 84. Once, Ms. McKay awoke from her sleep to find herself being raped by the younger of her two boarding home brothers. He was lying naked on top of her, his penis inside her, with his hand over her mouth to prevent her from screaming. She was 14.
 85. Eventually, Ms. McKay was put into a third boarding home where she remained until she finished grade 12.
 86. Ms. McKay's school teachers and fellow students were racist and mean. She was often bullied.
 87. Ms. McKay felt ashamed, isolated and hopeless. At the age of 13 she started turning to alcohol and drugs to numb her pain.
 88. Ms. McKay suffered from extreme depression and suicidal ideation. She began taking anti-depressants.
 89. At age 16, Ms. McKay tried to kill herself.
 90. Ms. McKay didn't ever feel at home in Terrace. None of her boarding home families spoke her Nisga'a language and they didn't know or understand her culture.
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91. While in the Boarding Home Program for Indian Students, Ms. McKay was denied any reasonable opportunity to maintain contact with her family and her Nisga'a community. She was denied any reasonable opportunity to learn and practice her Nisga'a language, culture, customs, heritage and traditions. She was also denied any reasonable opportunity to practice her aboriginal rights as a Nisga'a member.

92. When Ms. McKay returned to Laxgalts'ap after grade 12, she was disheartened to still feel alone and isolated. Laxgalts'ap no longer felt like the home she'd remembered. She didn't speak the language or know the customs of her Nisga'a people.

93. As a result of Canada's Boarding Home Program for Indian Students, Ms. McKay lost her Nisga'a identity, language, heritage customs and culture. She also lost monetary benefits to which she was entitled under the *Indian Act*.

94. As a consequence of her experiences in the Boarding Home Program, Ms. McKay never had the opportunity to learn life skills or parenting skills from her parents. Because of this and because of the sexual and physical abuse she endured, Ms. McKay was not able to properly parent her children.

95. To this day, Ms. McKay suffers from extreme depression and anxiety. Ms. McKay regularly seeks mental health support for the ongoing impacts of the sexual and physical abuse she endured and the trauma of having been torn away from her biological family. Ms. McKay lives her life in fear and keeps herself isolated within her home.

96. Ms. McKay's depression and anxiety were so severe that they prevented her from bringing an action against Canada in respect of her injury, damage or loss caused by her apprehension by Canada and placement in the Boarding Home Program for Indian Students. Ms. McKay's interests and circumstances were so pressing that she could not reasonably commence an action.

97. It was not until the summer of 2018, after meeting with Mr. Percival and other Nisga'a Boarding Home survivors, that she finally felt sufficiently supported to share her experience and to try and bring about resolution and healing for herself and other Class Members.

Allan McKay

98. Mr. McKay was born on June 22, 1953 in Middle Bay, British Columbia. When he was a young child, his family moved to Laxgalts'ap.

99. When Mr. McKay was 13, he was apprehended by Canada pursuant to the Boarding Home Program for Indian Students. He was terrified, having never left his family or Nisga'a community before.

100. Mr. McKay was sent by train, along with approximately 40 other Indigenous children, to Mission, British Columbia, to live with a non-Indigenous boarding home family and to attend a predominantly non-Indigenous school.

101. Mr. McKay's first boarding home family was an elderly couple. The couple hosted four other boarding home students. The couple noted, on numerous occasions, that they were boarding the students because they needed money to make their mortgage payments.

102. Mr. McKay and the other children were confined to the basement of the house and were allowed upstairs only to eat.

103. In this home, he endured child slavery, constant racism and psychological abuse.

104. The couple used Mr. McKay and the other children as free labour to renovate their "fixer-upper" homes. Once the fixer-upper was renovated, the couple would sell the home and move to another fixer-upper, which Mr. McKay and the other children would renovate. And the cycle continued. Mr. McKay and the other children never received any pay for their work on these houses.

105. Mr. McKay also experienced extreme culture shock. Moving from his small Nisga'a community to a primarily Caucasian urban city – and attending a large school – was overwhelming. Within 6 weeks, Mr. McKay collapsed from exhaustion and was put on bed rest for 2 weeks.

106. At school, Mr. McKay and the other children experienced severe racism from the non-Indigenous students. They were called names such as “dirty drunken Indians” and were constantly bullied. Mr. McKay was often challenged to fist fights after school. The teachers encouraged these fights.

107. Eventually, Mr. McKay was moved to a home in Port Moody with a non-Indigenous family. Again, he endured constant racism and psychological abuse.

108. While at this home, he was required to share a bed with other boarding home students. One night, Mr. McKay woke up to find another male student, naked in bed next to him, trying to rape him.

109. In his third boarding home, he was malnourished and constantly denied food. His boarding home family kept a padlock on the fridge; only the family had access to the food.

110. Mr. McKay then lived with a boarding home family in Prince Rupert. He continued to endure racism and psychological abuse.

111. No matter where Mr. McKay lived, he was an outcast. He was unloved – housed only to earn money for his boarding home families.

112. In grade 11, feeling desperate and alone, Mr. McKay turned to drugs and alcohol to numb his pain. He dropped out of school.

113. While in the Boarding Home Program for Indian Students, Mr. McKay was denied any reasonable opportunity to maintain contact with his family and his Nisga'a community.

114. Mr. McKay was denied any reasonable opportunity to practice his aboriginal rights as a Nisga'a member. And he was denied any reasonable opportunity to practice his Nisga'a language, culture, customs, heritage and traditions.

115. Mr. McKay lost his ability to speak his Nisga'a language. And, having been unable to participate in the Nisga'a feasts growing up, failed to learn the Nisga'a way of life. He lost his Nisga'a identity. Mr. McKay also lost monetary benefits to which he was entitled under the *Indian Act*.

116. Suffering from alcoholism and depression, Mr. McKay chose to be a fisherman in Prince Rupert and remain distant from his Nisga'a people, believing he would never again fit in.

117. When Mr. McKay finally returned to Laxgalts'ap in his late 20s, he felt alone and unable to fit in with his Nisga'a community.

118. Because Mr. McKay's life was void of nurturing and love during his formative years, he never learned to give and receive love. It is difficult for Mr. McKay to form bonds with people and to maintain relationships. His Boarding Home Program experience has left him with permanent emotional scars.

119. Mr. McKay has worked for decades to better himself and to learn his Nisga'a language and culture. He quit drinking and, at 46, graduated from high school. He has become a Hereditary Chief of his Nisga'a people.

120. To this day, Mr. McKay suffers from depression and regularly attends counselling sessions to help him cope. His depression is triggered by memories of his time living in boarding homes.

121. Mr. McKay's interests and circumstances were so pressing that he could not reasonably consider commencing an action against Canada in respect of his injury, damage or loss caused by

his apprehension by Canada and his placement in the Boarding Home Program for Indian Students.

122. It was not until the summer of 2018, after meeting with Mr. Percival and other Nisga'a Boarding Home survivors, that he felt capable of telling his story of survival and commencing this litigation.

Lorna Watts

123. Ms. Watts was born on October 7, 1955 in Kincolith, British Columbia.

124. Ms. Watts was apprehended by Canada when she was 12. She and several other Indigenous children were put onto boats and taken to Prince Rupert. She remembers the pain and fear she felt that day, being taken from her parents at such a young age.

125. From Prince Rupert, Ms. Watts and other Indigenous children were taken by bus to Burnaby, British Columbia. Ms. Watts recalls the children being herded off the buses.

126. The children were met by a counsellor for the Department of Indian Affairs and Northern Development. The children had numbers taped on their bodies and it was by this number – not their names – that the counsellor called the children and matched them to their respective boarding home families. Ms. Watts remembers feeling not only scared, but also embarrassed. She felt like an animal, not a child.

127. Ms. Watts' siblings had also been on the bus, but she was not allowed to say goodbye to them before she was taken away by her boarding home family.

128. Ms. Watts was boarded with a non-Indigenous family, along with three other female children. Her boarding home parents were racist and abusive.

129. When Ms. Watts and the other girls arrived, they were required to sprinkle the insecticide dichlorodiphenyltrichloroethane (DDT) on their beds, being told they “may have bugs on their bodies from the reserve”.

130. Ms. Watts and the other girls had long black hair. Ms. Watts’ boarding home mother suspected that one of the girls had lice, so Ms. Watts and the other girls were forced to get short, boyish haircuts. Ms. Watts recalls sobbing as her cut hair fell to the floor; long, braided hair was a source of pride in her Nisga’a community.

131. Ms. Watts and the other girls were confined to the basement of the house. The basement had no heating; it was damp and cold.

132. Ms. Watts and the other girls were fed insufficient amounts of food by their boarding home parents and became malnourished. They were not allowed to eat meals with their boarding home parents. Instead, their plates were left on a tray at the top of the stairs to the basement. Their boarding home mother would holler when the tray was placed, and Ms. Watts or one of the other children would retrieve the tray. Since the small table in the basement could only seat two, Ms. Watts and the other girls would take turns eating.

133. After dinner, Ms. Watts and the girls were always given wine to drink. They were told it was “non-alcoholic dinner wine.” They were also told not to tell anyone about the wine – it was a “secret”.

134. At the insistence of their boarding home father, they were ordered by their boarding home mother to sleep naked.

135. The boarding home father would come into the basement at night to watch Ms. Watts and the other girls sleep. Ms. Watts suspects that, while in a deep sleep from the wine, their boarding home father would sexually abuse them.

136. Ms. Watts told an older schoolmate about how she and the other girls were being treated at the boarding home. The older student informed the school counsellor and, eventually, Ms. Watts and the other girls were removed from the home.

137. Ms. Watts was sent to live with another non-Indigenous boarding home family in Burnaby. This family was racist. The family frequently referred to Ms. Watts as “squaw” and, in fact, rarely called her by her name.

138. Ms. Watts had to share a bed with another boarding home student.

139. Ms. Watts was required to sleep in the unheated basement, and she was required to hide from any household guests.

140. Ms. Watts’ boarding home parents used her for free labour. Ms. Watts was expected to do all of the household chores and was constantly required to squeeze tubs of grapes to make wine. Ms. Watts would serve her boarding home family meals in the dining room, and then was relegated to the kitchen to eat whatever was left in the pots and pans. Ms. Watts felt like a slave.

141. Her boarding home parents kept Ms. Watts’ allowance that she was given by Canada – which was meant to allow Ms. Watts money for clothes and other necessities. On one occasion, Ms. Watts and another boarding home student, Darlene, noticed a mug with money in it and a piece of paper that said “Lorna and Darlene’s allowance”. They took the money believing that it was theirs. Later, they were apprehended by the police for stealing the money. The boarding home family threatened punishment and more chores when the police took Ms. Watts and Darlene back to the house.

142. When Ms. Watts was approximately 14, she was sent to live in her third boarding home with a young non-Indigenous couple in New Westminster, British Columbia.

143. Ms. Watts was again used as free child labour. She was expected to get up early in the morning to pick bushels of fruit. She was told she would get paid depending on how much she picked. She was never paid for the work she did.

144. Once, when her boarding home mother left for the day, her boarding home father's brother got naked and approached Ms. Watts who screamed and ran upstairs.

145. Ms. Watts was eventually moved to another non-Indigenous boarding home in Terrace.

146. Ms. Watts recalls being treated like a servant in this house. She was regularly late to school because she was expected to do several chores before she could leave the house in the morning.

147. By this time, Ms. Watts was 16 and struggling with depression. She started to skip classes in the hope that she would be expelled from school and removed from the home. When this finally happened, the boarding home father kicked her and told her that he didn't want "her kind" in his house again.

148. At the various schools she attended, Ms. Watts was surrounded by non-Indigenous students and teachers who constantly subjected her to racist jokes and remarks. She always felt like an outsider.

149. As a young teenager, Ms. Watts turned to alcohol to cope. She felt worthless, uncared for and alone.

150. Later in her life, Ms. Watts found out that her biological family had been trying to contact her throughout the years that she was gone. She was never told about any of their messages.

151. While in the Boarding Home Program for Indian Students, Ms. Watts was denied any reasonable opportunity to maintain contact with her family and her Nisga'a community. She was denied any reasonable opportunity to learn and practice her Nisga'a language, culture, customs, heritage and traditions. She was also denied any reasonable opportunity to practice her aboriginal rights as a Nisga'a member.

152. When Ms. Watts finally returned to Kincolith in her late teens, she felt isolated. She had changed so much that her grandmother did not recognize her. She felt like a stranger in her own community. She didn't speak the Nisga'a language or know the customs of her Nisga'a people.

153. As a result of Canada's Boarding Home Program for Indian Students, Ms. Watts lost her Nisga'a identity, language, heritage customs and culture. She also lost monetary benefits to which she was entitled under the *Indian Act*.

154. Ms. Watts' experiences in the Boarding Home Program have left her emotionally scarred.

155. To this day, Ms. Watts suffers from depression. She was regularly attending counselling sessions but had to stop because it was too painful to speak about her experiences in boarding homes. She also struggles to maintain employment.

156. Ms. Watts struggled with alcoholism for much of her life and was only able to stop when her husband became ill and needed her to care for him.

157. Ms. Watts still has nightmares about her years in the Boarding Home Program. Her interests and circumstances were so pressing that she could not reasonably consider commencing an action against Canada in respect of her injury, damage or loss caused by her apprehension by Canada and her placement in the Boarding Home Program for Indian Students.

158. It was not until the summer of 2018, after meeting with Mr. Percival and other Nisga'a Boarding Home survivors, that she felt capable of telling her story of survival and commencing this litigation. She wants to bring about closure and healing for her and the other Boarding Home Program survivors.

Duties of the Defendant

Generally

159. In establishing, implementing, administering and managing the Boarding Home Program for Indian Students, Canada had a duty to protect and preserve the identity, culture, language, heritage, religion, rights, spirituality and traditions of the Plaintiffs and other Class Members. Canada also had a duty to ensure the safety and well-being of the Plaintiffs and other Class Members, and to ensure that that the boarding homes in which they were placed were free of physical, sexual, psychological and emotional abuse.

160. Indigenous people are entitled to a special duty of care, good faith, honesty and loyalty from Canada.

161. At all relevant times, Canada was responsible for:

- a. the administration of the *Indian Act*, RSC 1985, c I-5 and its predecessor statutes as well as any other statutes relating to Indians and all Regulations promulgated under these Acts and their predecessors;
- b. the promotion of the physical and mental health, safety and well-being of the Plaintiffs and other Class Members;
- c. the management, operation and administration of the Department of Indian Affairs and Northern Development and its predecessor Ministries and Departments;
- d. the decisions of, procedures of, regulations promulgated by, and operations and actions taken by the Department of Indian Affairs and Northern Development, its employees, servants, officers and agents and their predecessors;
- e. the hiring and supervision of employees, officers and management at the Department of Indian Affairs and Northern Development and its predecessor Ministries and Departments, including the Indian Commissioner and including the counsellors who dealt directly with the Plaintiffs and other Class Members, all of whom were Canada's servants and agents and all of whom were within Canada's direction and control;

- f. the establishment, creation, operation, management, maintenance and administration of the Boarding Home Program for Indian Students;
- g. the vetting, financing and supervision of the boarding homes which housed the Plaintiffs and other Class Members;
- h. the financing of Indigenous education; and
- i. the preservation of the aboriginal and treaty rights of the Plaintiffs and other Class Members, including the right to:
 - i. retain their status as Indians;
 - ii. benefit from Indigenous laws, customs and traditions in relation to education, citizenship, adoption, family care, marriage, property and use of resources;
 - iii. retain and practice their culture, religion, language and traditions;
 - iv. fully learn their culture, religion, language and traditions from their families and communities; and
 - v. obtain monetary benefits under the *Indian Act*, RSC 1985, c I – 5 and its predecessor statutes and related legislation and policies.

Fiduciary Duty

162. Canada stands in a fiduciary relationship with Canada's Indigenous peoples. Canada's relationship with the Plaintiffs and other Class Members was, at all material times, one of dependence, trust and reliance; Canada had undertaken to act in the best interests of the Plaintiffs and other Class Members.

163. Canada has an ongoing obligation to consult with Indigenous peoples on matters relevant to their interests.

164. At all material times, the Plaintiffs and other Class Members were particularly vulnerable and – being children taken away from their families, homes and Indigenous communities – were in need of protection. With respect to these Class Members, Canada assumed *loco parentis* responsibility for their care and supervision while they were part of the Boarding Home Program for Indian Students.

165. The health and welfare of the Plaintiffs and other Class Members and their Indigenous identity and culture were legal or substantial practical interests of the Plaintiffs and other Class Members. Canada was required to take steps to safeguard, monitor, preserve, secure and protect these interests.

166. At all material times, Canada assumed such a degree of discretionary control over the protection and preservation of the health, welfare, identity and culture of the Plaintiffs and other Class Members that it amounted to a direct administration of those interests. The protection and preservation of the health, welfare, identity and culture of the Plaintiffs and other Class Members were within the power, discretion or control of Canada and were subject to the unilateral exercise of Canada's power, discretion or control.

167. Canada's fiduciary duty owed to the Plaintiffs and other Class Members was, at all material times, a non-delegable duty.

Common Law Duty

168. At all material times, Canada owed a common law duty of care to the Plaintiffs and other Class Members, who were unwilling participants in the Boarding Home Program for Indian Students, to take steps to prevent them from losing their Indigenous identity and culture and to ensure their physical and mental safety and well-being.

169. Canada had a duty to consult with Indigenous communities regarding the provision of educational programs to Indigenous children. A special relationship – to which the law attached a duty of care – existed as between Canada and Indigenous communities. This special relationship, by extension, existed as between Canada and Class Members, all of whom were apprehended, pursuant to an educational program, and placed in boarding homes.

170. In the alternative, a common law duty of care arose by virtue of the relationship of proximity that existed between Canada and Class Members.

171. There is a long-standing historical and constitutional relationship between Canada and Indigenous peoples that has evolved into a unique and important relationship premised on trust.

172. At all material times, the Plaintiffs and other Class Members were under Canada's reasonable care and control. The Plaintiffs and other Class Members reasonably expected that they would not be harmed – physically, sexually, psychologically, culturally and emotionally – while participating in Canada's Boarding Home Program for Indian Students. The Plaintiffs and Class Members were, while living in boarding homes, wards of Canada. A relationship of proximity existed as between Canada and Class Members.

173. Given the relationship of proximity that existed between Canada and Class Members, Canada knew or ought to have known that a failure on its part to take reasonable care in establishing, implementing, administering and managing the Boarding Home Program for Indian Students would cause significant harm to the Plaintiffs and other Class Members.

174. Canada was required to exercise a reasonable standard of care in establishing, implementing, administering and managing the Boarding Home Program for Indian Students. The standard of care required by Canada included but was not limited to:

- a. taking proper and reasonable steps to prevent injury to the Plaintiffs and other Class Members' health, safety and well-being;
- b. ensuring that boarding homes were environments free from racism and sexual, physical, emotional and psychological abuse;
- c. ensuring that the language, culture, identity, religion, heritage, customs and rights of the Plaintiffs and other Class Members were protected and preserved;
- d. ensuring that adequate services and resources were provided to the Plaintiffs and other Class Members to enable them to exercise, practice and maintain their language, culture, identity, religion, heritage, customs and rights;
- e. preventing the cultural assimilation of the Plaintiffs and other Class Members;
- f. preserving and protecting the Plaintiffs' and other Class Members' monetary benefits under the *Indian Act*, RSC 1985 c I-5 and its predecessor statutes and related legislation and policies;
- g. consulting with Indian Bands and other Indigenous stakeholders about the Boarding Home Program for Indian Students;

- h. ensuring that counsellors and other staff who administered and managed the Boarding Home Program for Indian Students – all of whom were Canada’s servants and agents and all of whom were within Canada’s direction and control – were appropriately trained and educated and understood that the abuse of Class Members would not be tolerated;
- i. ensuring that staff was sufficiently supervised;
- j. using reasonable care in the establishment, implementation, administration and management of the Boarding Home Program for Indian Students;
- k. establishing, implementing and enforcing appropriate policies, guidelines and procedures to ensure that the Plaintiffs and other Class Members would be free from sexual, physical, emotional, cultural and psychological abuse;
- l. ensuring that sufficient systems were in place for reporting incidents of abuse and other harms;
- m. investigating and addressing complaints and allegations of abuse and other harms in a timely manner; and
- n. ensuring that perpetrators of abuse and other harms were appropriately punished.

Breach of the Defendant’s Duties

175. With respect to the Plaintiffs and other Class Members who participated in the Boarding Home Program for Indian Students, Canada and its servants breached its duties by, among other things:

- a. failing to take proper and reasonable steps to prevent injury to the Plaintiffs and other Class Members’ health, safety and well-being;
- b. failing to prevent the systemic sexual, physical, emotional and psychological abuse of the Plaintiffs and other Class Members;
- c. failing to establish, implement and enforce appropriate policies, guidelines and procedures to ensure that the Plaintiffs and other Class Members would be free from sexual, physical, emotional and psychological abuse;
- d. failing to ensure that the Boarding Home Program for Indian Students delivered appropriate child welfare and educational services for Indigenous children;

- e. supporting or acquiescing in the apprehension and removal of the Plaintiffs and other Class Members from their Indigenous families and communities;
- f. failing to take reasonable steps to prevent the Plaintiffs and other Class Members from being placed in the care of non-Indigenous boarding homes or in boarding homes with Indigenous families belonging to a different First Nation, Inuit ethnic group or ancestral Métis community than their own;
- g. having occupied a position analogous to that of a parent, failing to establish and maintain systems to protect the Plaintiffs and other Class Members as a good parent should;
- h. failing to take reasonable steps to prevent the Plaintiffs and other Class Members from losing their Indigenous identity and culture;
- i. failing to ensure that adequate services and resources were provided to the Plaintiffs and other Class Members to enable them to exercise, practice and maintain their Indigenous language, culture, identity, religion, heritage, customs and rights during the period of placement in boarding homes;
- j. supporting or acquiescing in denying the Plaintiffs and other Class Members a reasonable opportunity to exercise their rights as Indigenous peoples, including their aboriginal and treaty rights;
- k. failing to take reasonable steps to preserve and protect the Plaintiffs' and other Class Members' monetary benefits under the *Indian Act*, RSC 1985 c I-5 and its predecessor statutes and related legislation and policies
- l. failing to ameliorate the harmful effects of the Boarding Homes Program for Indian Students;
- m. failing to ensure that Indigenous children were made aware of their aboriginal and treaty rights;
- n. permitting unqualified and otherwise unsuitable individuals operate boarding homes without adequate screening and supervision;
- o. failing to protect the Plaintiffs and other Class Members from harm and injury while they were resident in boarding homes;
- p. failing to properly monitor and oversee the provision of funding it made to the Boarding Home Program for Indian Students;

- q. failing to properly monitor and oversee the provision of funding it made to boarding home families;
- r. failing to properly monitor and oversee the provision of funding it made to provincial and territorial public schools;
- s. failing to establish, implement and enforce appropriate policies, guidelines and procedures to ensure that the Plaintiffs and other Class Members would have reasonable access to their families and Indigenous communities;
- t. failing to ameliorate the harmful effects to the Plaintiffs and other Class Members of extended stays away from their families and Indigenous communities;
- u. failing to ensure that Boarding Home Program staff and staff of the Department of Indian Affairs and Northern Development and its predecessor Ministries and Departments was appropriately trained and educated and understood that the abuse of Class Members would not be tolerated;
- v. failing to ensure that Boarding Home Program staff and staff of the Department of Indian Affairs and Northern Development and its predecessor Ministries and Departments was appropriately supervised;
- w. failing to consult with Indigenous communities and other Indigenous stakeholders about the Boarding Home Program for Indian Students, the provision of funding to the program for that purpose, and the policies and practices that would be adopted in operating and administering that program;
- x. actively promoting a policy of cultural assimilation;
- y. investigating and addressing complaints and allegations of abuse and other harms in a timely manner; and
- z. ensuring that perpetrators of abuse and other harms were appropriately punished.

176. The acts and omissions of Canada were systemic and were acts of fundamental disloyalty and betrayal to the Plaintiffs and other Class Members.

177. Canada's conduct was in breach of its constitutional obligations arising under section 91(24) of the *Constitution Act, 1867*, 30 & 31 Victoria, c 3 (UK) and section 35 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982 c 11.

178. Pursuant to the *Crown Liability and Proceedings Act*, RSC 1985, c C-50 and its predecessor legislation, Canada is vicariously liable for the negligent acts and omissions of its employees, servants and agents.

International Law

179. On November 12, 2010, Canada issued a statement of support for the *United Nations Declaration on the Rights of Indigenous Peoples* (“UNDRIP”). The actions of Canada in establishing, implementing, administering and managing the Boarding Home Program for Indian Students were contrary to the spirit of UNDRIP as well as the commitments set out in Article 1 and Article 8 of UNDRIP.

180. Article 1 of UNDRIP states:

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

181. Article 8 of UNDRIP states:

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - a. Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - b. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - c. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - d. Any form of forced assimilation or integration;
 - e. Any form of propaganda designed to promote or incite racial or ethnic

discrimination directed against them.

Ongoing Loss and Damage

182. The Plaintiffs and other Class Members are Indigenous persons who, as children, enjoyed or were entitled to enjoy aboriginal and treaty rights, including the right to:

- a. benefit from Indigenous laws, customs and traditions in relation to education, citizenship, adoption, family care, marriage, property and use of resources;
- b. retain and practice their Indigenous culture, religion, language, heritage and traditions; and
- c. fully learn their Indigenous culture, religion, language, heritage and traditions from their families and communities.

183. As a consequence of Canada's breaches of its fiduciary and common law duties and the fault and negligence of its servants, as set out above, the Plaintiffs and other Class Members were and are subjected to ongoing damage. Particulars of the past and ongoing loss or damage suffered by the Plaintiffs and other Class Members include:

- a. loss of their Indigenous culture and identity;
 - b. loss of their Indigenous customs, language, heritage, religion, spirituality and traditions;
 - c. loss of the opportunity to exercise their aboriginal rights;
 - d. loss of the opportunity to exercise their treaty rights;
 - e. loss of the opportunity to participate in traditional methods of education;
 - f. loss of their status as Indians;
 - g. isolation from their families, Indigenous communities and traditional homelands;
 - h. physical, sexual, emotional, spiritual and psychological abuse and suffering;
 - i. post-traumatic stress disorder;
 - j. loss of self-esteem and diminished self-worth;
 - k. repeated and ongoing nightmares;
 - l. depression;
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- m. anxiety;
- n. difficulty in coping with emotional stress;
- o. suicidal ideation;
- p. attempted suicide;
- q. feelings of guilt, responsibility, and self-blame;
- r. nervous shock;
- s. mental anguish;
- t. insomnia;
- u. forced cultural assimilation;
- v. deprivation of one's ability to pass one's culture and identity on to one's children;
- w. social dysfunctionality, failed relationships and alienation from family, spouses and children;
- x. loss of ability to obtain proper education or employment;
- y. loss of income, loss of competitive advantage in the employment field, loss of income earning potential and loss of income earning capacity;
- z. loss of ability to parent;
- aa. addiction, including addiction to alcohol, prescription and non-prescription drugs;
- bb. pain and suffering;
- cc. loss of consortium;
- dd. loss of enjoyment of life; and
- ee. the cost of psychological, psychiatric and medical treatment, including but not limited to the cost of counselling, rehabilitation, therapy, medication and hospitalization.

184. As a consequence of Canada's breaches of its fiduciary and common law duties and the fault and negligence of its servants, as set out above, Secondary Class Members have also sustained and will continue to sustain injury, loss and damages, including but not limited to:

- a. actual expenses reasonably incurred for the benefit of Class Members;
- b. actual expenses incurred while supporting Class Members during counselling and/or recovery; and

- c. loss of income and/or the value of services provided by Secondary Class Members to Class Members, where such services, including nursing and housekeeping, have been provided.

185. Secondary Class Members seek compensation for the costs set out in paragraph 184 as well as compensation for loss of support, guidance, consortium, care and companionship that they might reasonably have expected to have received from Class Members. Such loss and damage was reasonably foreseeable by Canada

Punitive Damages

186. A punitive damage award in this case is necessary to express society's condemnation of Canada's conduct and to achieve the goals of both general and specific deterrence.

187. The conduct of Canada was systemic, deliberate, lasted for decades and represented a marked departure from ordinary standards of decent behaviour. Canada had detailed knowledge of the breach of aboriginal and treaty rights and the widespread psychological, emotional, sexual and cultural abuses of the Plaintiffs and other Class Members. Despite this knowledge, Canada did nothing to remedy the situation and continued to administer the Boarding Home Program for Indian Students, thus continuing to permit the perpetration of grievous harm to the Plaintiffs and other Class Members. Canada deliberately planned the eradication of the identity, language, religion and culture of the Plaintiffs and other Class Members.

188. Canada's acts and omissions and the acts of omissions of its agents and servants, as set out in detail in this claim, showed a callous disregard for the rights and well-being of the Plaintiffs and other Class Members.

189. Compensatory damages are insufficient in this case. The conduct of Canada merits punishment and warrants a claim for punitive damages.

Disgorgement

190. The Plaintiffs and other Class Members were deprived of financial benefits to which they were entitled pursuant to the *Indian Act*, RSC 1985, c I-5 and its predecessor legislation and policies. Canada wrongly retained these monies and the value of these benefits.

191. Canada should be required to disgorge the profits and other financial benefits that it inequitably acquired by virtue of its wrongful acts and omissions.

Québec Class Members

192. Where the acts and omissions of Canada and its servants took place in Québec, they constituted fault giving rise to extra-contractual liability pursuant to the *Civil Code of Québec*, CQLR, c CCQ-1991 and pursuant to the *Crown Liability and Proceedings Act*, RSC 1985, c C-50 and the *Interpretation Act*, RSC 1985, c I-21 and any predecessor legislation. The conduct of Canada and its servants also constituted unlawful and intentional interference with the rights of Québec Class Members within the meaning of the *Charter of Human Rights and Freedoms*, CQLR c C-12 and any predecessor legislation.

193. Canada is liable to pay damages, including punitive damages, to the Québec Class Members pursuant to the *Civil Code of Québec*, CQLR, c CCQ-1991 and any predecessor legislation.

Legislation

194. The Plaintiffs and other Class Members plead and rely upon the common law and various statutes and regulations, including but not limited to:

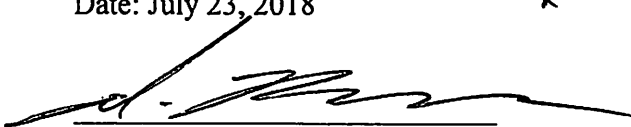
- a. *Charter of Human Rights and Freedoms*, CQLR c C-12;
- b. *Civil Code of Quebec*, CQLR, c CCQ-1991;
- c. *Constitution Act, 1867*, 30 & 31 Victoria, c 3 (UK);
- d. *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982 c 11;
- e. *Crown Liability Act*, SC 1952-53, c 30;
- f. *Crown Liability and Proceedings Act*, RSC 1985, c C-50;

- g. *Family Law Act*, RSO 1990 c F-3;
- h. *Federal Courts Act*, RSC 1985, c F-7;
- i. *Federal Courts Rules*, SOR/98-107;
- j. *Health Care Costs Recovery Act*, SBC 2008, c 27;
- k. *Indian Act*, RSC 1951, c 149;
- l. *Indian Act*, RSC 1985, c I-5;
- m. *Interpretation Act*, RSC 1985, c I-21;
- n. *Limitation Act*, SBC 2012, c 13;
- o. *The Tortfeasors and Contributory Negligence Act*, CCSM, c T-90;
- p. *Tortfeasors Act*, RS 1989, c 471;
- q. *Tort-Feasors Act*, RSA 2000, c T-5;
- r. *Tortfeasors Act*, RSNB 2011, c 231; and
- s. All other comparable and relevant acts and regulations in Canada and their predecessor legislation;

Place of Trial

The Plaintiffs propose that this action be tried at the City of Vancouver, in the Province of British Columbia.

Date: July 23, 2018



David A. Klein
Lawyer for the Plaintiffs

Klein Lawyers LLP
David A. Klein
Angela Bespflug
400 – 1385 West 8th Avenue
Vancouver, BC V6H 3V9
Telephone: 604-874-7171
Fax: 604-874-7180

This is Exhibit "B" referred to in the
Affidavit of Lorenzo Babini Sworn
before me this 4th day of May 2021

A handwritten signature in black ink, appearing to be 'D. M.', written over a horizontal line. A small black dot is located to the right of the signature.

A Commissioner of taking Affidavits
in the Province of British Columbia

Federal Court



Cour fédérale

Date: 20190628

Docket: T-1417-18

Ottawa, Ontario, June 28, 2019

PRESENT: Madam Justice Strickland

CLASS PROCEEDING

BETWEEN:

REGINALD PERCIVAL, ALLAN MEDRICK
MCKAY, IONA TEENA MCKAY AND
LORNA WATTS

Plaintiffs

and

HER MAJESTY THE QUEEN

Defendant

ORDER

UPON MOTION in writing, brought pursuant to Rules 369 and 334.12(2) of the *Federal Courts Rules*, SOR/98-106 [Rules], seeking an order:

- a) certifying this action as a class proceeding;
- b) certifying the class and subclass;
- c) appointing the representative Plaintiffs;
- d) setting out the common issues of fact or law for the class and subclass; and
- e) appointing class and subclass counsel;

AND UPON review of the Amended Notice of Motion filed by the Plaintiffs on June 10, 2019;

AND UPON considering that the Plaintiffs and the Defendant have, on June 10, 2019, filed a joint consent to the Amended Notice of Motion and to the form of a draft order;

AND UPON considering that this action, commenced on July 24, 2018, concerns allegations by the Plaintiffs that Canada breached common law and fiduciary duties owed to Indigenous people in relation to “boarding home” programs that Canada operated in connection with providing educational programs to Indigenous students. These boarding home programs are alleged to have involved Canada placing Indigenous students in private homes, away from their families and communities, where they were not provided with reasonable access to their language, culture, identity, religion, heritage, customs and Aboriginal and treaty rights and where it is alleged that they experienced racism and physical, psychological, and sexual abuse, all as set out in the Statement of Claim;

AND UPON considering that a related proposed class action commenced in the Quebec Superior Court on September 21, 2016, *Anne Smith v Attorney General of Canada*, in the District of Montreal, Court file no. 500-06-000812-160, is proposed to be incorporated in this proposed class action by way of the proposed subclass. The Quebec proposed class action deals with similar subject matter, the boarding home program. However, because it also raises common questions of civil law that are not shared by all of the proposed class members from common law jurisdiction provinces, the proposed subclass has been identified;

AND UPON considering the certification conditions that must be met and, the matters to be considered as set out in Rule 334.16;

AND UPON being satisfied that this is an appropriate proceeding for certification as a class action on the proposed terms;

THIS COURT ORDERS that:

1. This action is certified as a class proceeding against the Defendant, Her Majesty the Queen in Right of Canada;
2. The classes in this proceeding are defined as follows:
 - (a) Primary Class means persons who were placed by the Government of Canada in private homes for the purpose of attending school, excluding placements made for the purpose of attending a post-secondary educational institution;
 - (b) Family Class means all persons who have a derivative claim in accordance with applicable family law legislation arising from a family relationship with a member of the Primary Class;

The Primary Class and the Family Class and their members are collectively described as the “Class” or “Class Members”;
3. A subclass in this proceeding, in which subclass members are Class Members but are separately represented, is defined as follows:
 - (a) Quebec Subclass means Class Members resident in Quebec at the time of their placement by Canada in such private homes;
4. The following persons are appointed as Representative Plaintiffs for the Class:
 - (a) Reginald Percival;
 - (b) Allan Medrick McKay;

(c) Iona Teena McKay; and

(d) Lorna Watts

5. The following person is appointed as the Representative Plaintiff in the Quebec

Subclass:

(a) Kenneth Weistche

6. Klein Lawyers LLP is appointed as Class Counsel;

7. Dionne Schulze S.E.N.C. is appointed as Quebec Subclass Counsel;

8. The following common questions of fact or law in this proceeding are certified for both the Class and the Quebec Subclass:

(a) Did Canada owe duties to Class Members as alleged in the Statement of Claim?

(b) If the answer to (a) is yes, did Canada breach any of those duties?

9. The relief sought by the Class is as set out in the Statement of Claim;

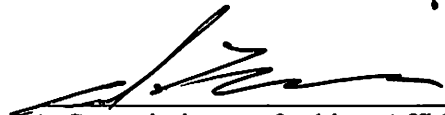
10. The parties shall, as a part of a joint litigation plan, specify the time and manner for Class Members to opt out of the Class proceeding, and shall bring an informal motion seeking to amend this Order to reflect the opt out provisions, all pursuant to Rules 334.17(1)(f) and 334.19. Should the parties fail to reach an agreement, a formal motion shall be brought in writing for determination by the Court;

11. No costs are payable on this Motion for certification, in accordance with Rule 334.39.

“Cecily Y. Strickland”

Judge

This is Exhibit "C" referred to in the
Affidavit of Lorenzo Babini Sworn
before me this 4th day of May 2021

A handwritten signature in black ink, appearing to be 'L. Babini', written over a horizontal line.

A Commissioner of taking Affidavits
in the Province of British Columbia



Gestion MV Management

**SURVEY OF 100 COMMUNITIES ON EDUCATION
TRANSFER IN THE CONTEXT OF THE BOARDING
HOMES CLASS ACTION**

Proposal submitted to :

Mr. DOUGLAS LENNOX

Klein Lawyers LLP

February 19, 2021

TABLE OF CONTENTS

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Mandate	3
Budget estimate	4
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BACKGROUND

Mr Douglas Lennox, from LLP Klein Lawyers, is requesting a quote to survey a sample of First Nations and Inuit communities to retrieve the information about the date (year) they transferred back Education under their authority from the federal government. A survey may include more questions, depending of the needs for information. This survey is needed in the context of the Boarding Homes Class Action, accepted by the Federal Court.

In response to the parameters and needs expressed during e-mail and telephone exchange with Mr. Doug Lennox, this professional service offer includes a description of the mandate requested as well as a budget estimate for the professional services of MV Management.

MANDATE

- Establish a sample of 100 communities based on parameters such as: remoteness, number of members (small, average, large), geographical region (all over Canada), and other parameters that may be important to consider in order to respect OCAP Principles;
- Develop the survey to administer to the sample of 100 First Nations and Inuit communities and get approval from Klein Lawyers LLP;
- Administration of the survey (phone calls, online platforms) over 3-5 months;
- Preliminary report to Klein Lawyers LLP;
- Final report.

BUDGET ESTIMATE**Honoraria**

Establish a sample of 100 communities based on parameters such as: remoteness, number of members (small, average, large), geographical region (all over Canada), and other parameters that may be important to consider respecting OCAP Principle and develop the survey to administer to the sample of 100 First Nations and Inuit communities	\$5 000.00
Administration of the survey (phone calls, online platforms) (over 3-5 months)	\$40 000
Report to Klein Lawyers LLP (preliminary and final)	\$8 000.00
TOTAL	\$53 000.00 + applicable taxes

NOTES

This estimate strictly represents MV Management's professional fees. The amount is approximate and based on the client's estimated needs at the time of formulating this offer of service.

All other fees are EXCLUDED from this service offer.

SIGNATURE

This offer is accepted and was signed on (date). _____
in _____, (location)

NAME :

Mélanie Vincent
MV Management

Appendix: Biography **Mélanie Vincent, M.Sc.AJS**



A member of the Huron-Wendat Nation, **Mélanie Vincent** has been working for more than fifteen years in the service of First Nations in Quebec and Canada. She has a vast experience in terms of planning, coordination, writing, management and evaluation, policy, and communications thanks to her professional background. Holder of a multidisciplinary bachelor's degree from Université Laval (class of 1994), a Master's Degree in Administration of Criminal Justice and Security from the University of Phoenix (Arizona - class of 2009) and a fellowship from the Office of the United Nations High Commissioner for Human Rights in Geneva (Switzerland) and UNESCO in Paris (France) (2004), she has an academic profile focused on Indigenous issues, more specifically in the fight against racism and discrimination.

She was Director of the First Nations Socio-Economic Forum, a historic tripartite political summit held in the community of Mashteuiatsh (QC) in 2006. Her work experiences and profile allowed her to start her own consulting business in 2007 (MV Management) and she offers project management services for First Nations in Canada. She carries out mandates for numerous clients including the Assembly of First Nations Quebec-Labrador (AFNQL), as Executive Assistant to the Chief of the AFNQL since 2007.

She has also coordinated tours to all First Nations communities in Quebec, including the 2012 fuel tax class action. In 2018-2019, she carried out a pan-Canadian information mandate for First Nations and Inuit survivors of the Sixties Scoop, through the supervision and coordination of a vast information strategy on the claims process following the federal settlement agreement that concluded a class action across the country in 2018, on behalf of the firm Collectiva, Claim Administrator.

Since 2017, Mélanie has been the Executive Director and member of the Board of Directors of the not-for-profit organization KWE! Meet with Indigenous Peoples, whose mission is to organize and promote public (non-monetary) events to celebrate First Nations and Inuit cultures, traditions, and contemporary life, to promote traditional knowledge and issues affecting Indigenous peoples (www.kwequebec.com) . The mandate of KWE! is also to raise public awareness of the realities of Indigenous peoples and to showcase the artistic talents of First Nations and Inuit people. A large-scale event is organized annually in Quebec City and brings together the 11 Indigenous Nations in Quebec. This event attracts more than 30,000 visitors. Mélanie Vincent received the Deputy Ministers' Award of Excellence for the quality of this event in 2018.

She also contributed to the organization of the 10th anniversary of the adoption of the Declaration on the Rights of Indigenous Peoples at the Palais des Congrès de Montréal in September 2017 on behalf of the Assembly of First Nations Quebec-Labrador. She also participates in the organization of multiple conferences, workshops, sessions, or forums, including events during the work of the UN Permanent Forum on Indigenous Issues, which take place every year in New York, including the holding of the Forum 2019, which included a side event on the safety of First Nations women in Quebec.

The Council of the Huron-Wendat Nation has also been a client since 2012. Mélanie is a member of the Huron-Wendat Nation's Ontario Heritage Rights and Interests Enforcement Coordination Team. In this role, she coordinates relations and agreements for the repatriation of Huron-Wendat ancestors and Nation artifacts, organizes repatriation and re-interment ceremonies for Huron-Wendat ancestors and coordinates the complex logistics of these ceremonial events in Ontario. She was also responsible for managing the Huron-Wendat Nation's communications and was editor of the Nation's "Yakwennra" magazine from 2010 to 2018.

Mélanie has worked regularly for many years with the Quebec Aboriginal Science and Engineering Association (QASEA). Since 2019, she has been a judge at the Aboriginal Science Fair and has been responsible for the organization's strategic planning for almost a decade. She acts as a consultant for QASEA communications, notably through the management of social networks and public relations and communications.

She also works with the Groupe de recherche et d'interventions psychosociales en milieu autochtone (GRIPMA), to collaborate on GRIPMA's mandate to reorganize the services of the Wapan Rehabilitation Centre to better meet the needs of the clientele with the implementation of a withdrawal support service. She also worked with GRIPMA on the reorganization of front-line services in the community of Uashat mak Mani Utenam to improve the trajectory of services to the population of this North Shore Innu community. She is also working on the reconfiguration of the intervention services of the Val-D'Or Native Friendship Centre.

In December 2019, Mélanie was a member of the jury for projects of an Aboriginal cultural nature for the Ministère de la Culture et des Communications du Québec.

Thanks to her experience at several levels and in the field, Mélanie has developed a professional network of relationships with First Nations across Canada and abroad. She is a member of the Association of Aboriginal Financial Officers of Canada (AFOA Canada) and a translator for national First Nations organizations, including the First Nations Child and Family Caring Society of Canada and AFOA Canada.

Mélanie is a trustee of a Trust of the Huron-Wendat Nation and a member of the board of directors of the Kwahiatonhk First Nations Book Fair. She is regularly involved as a volunteer in her community of Wendake (QC), where she has lived since her childhood. She has a 22-year-old son, Adam, who is a medical student at Université Laval.

Mélanie is fluent in English, French and Spanish. Her cumulative experience in public relations, logistics, politics, and communications has allowed her to coordinate and lead five successful election campaigns.

In 2019, she received a special tribute from the Montreal Police Service (SPVM), for her collaboration in the publication of the book "My friend...my abuser", which is based on the testimonies of First Nations and Inuit people in the field of sexual exploitation in Montreal.

Tab 4

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

and:

HER MAJESTY THE QUEEN

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

**MEMORANDUM OF FACT AND LAW OF THE PLAINTIFFS
(Motion in Writing on Consent)**

April , 2021

KLEIN LAWYERS LLP
400 – 1385 West 8th Avenue
Vancouver, BC V6H 3V9
David A. Klein
Douglas Lennox
Phone: (604) 874-7171
Lawyers for the Plaintiffs
(Moving Parties)

DIONNE SCHULZE S.E.N.C.
507 Place d'Armes, Suite 502
Montreal, QC H2Y 2W8
David Schulze
Phone: (514)-842-0748
Lawyers for the Quebec Subclass

TO: DEPARTMENT OF JUSTICE CANADA
Civil Litigation Section
50 O'Connor Street
Suite 500
Ottawa, ON K1A 0H8

Catharine Moore
Tel: (613) 670-6390
Travis Henderson
Tel: (613) 670-6374

Lawyers for the Defendant

PART I – OVERVIEW

1. This is a motion in writing, and on consent, to appoint an expert to conduct a survey of 100 band councils in order to assist the parties in gathering necessary information in this certified class action.

PART II- FACTS

2. This lawsuit concerns the Defendant’s boarding homes program and allegations of harm to Indigenous children who participated in the program. The alleged wrongs are historical in nature and date back many years.

Affidavit of Lorenzo Babini, sworn April , 2021, (“Babini Affidavit”), Exhibit A

3. The parties have engaged in a process of documentary exchange and review to better understand and delineate the nature and extent of the boarding homes program. Of particular interest has been the question of when the Defendant transferred authority for the boarding home program to particular band councils. Such information assists the parties in determining class size, in designing an appropriate notice campaign, and in achieving a fair and efficient resolution of this litigation.

Babini Affidavit, para 6-9

4. There are limits to the archival record. By their nature, such documents capture the information held by one party to the transfer. A survey of 100 representative band councils to determine what information they have will help to confirm and supplement the archival record.

5. The parties propose that Melanie Vincent of MV Management be appointed to conduct the survey. Ms. Vincent is a member of the Huron Wendat Nation and is well qualified by her education and by her professional experience to conduct the survey. Among other things, Ms. Vincent has served as communications expert and liaison in two class action settlements in Canada involving indigenous claimants. Ms. Vincent has prepared a written proposal and estimated budget for the anticipated work.

Babini Affidavit, Exhibit C

6. There are over 600 indigenous band councils in Canada. Not all councils would have participated in the boarding homes program. This program was generally directed at remote communities which lacked secondary schooling opportunities within, or near to their community. As such, a targeted survey of 100 bands, focusing on those remote communities most likely affected by the boarding homes program, should capture a substantial proportion of the relevant band councils.

Babini Affidavit, para 12

7. MV Management's anticipated budget for the survey is \$53,000.

Babini Affidavit, Exhibit C

PART III – ISSUE

8. The issues are whether MV Management may be appointed to conduct the survey, and whether the Defendant may be directed to pay the reasonable costs thereof.

PART IV – ARGUMENT

9. This Honourable Court has broad supervisory powers in a class action under the *Federal Court Rules*. In particular, Rule 384.1 directs that class actions “shall be conducted as a specially managed proceeding.” And Rule 385(1)(a) grants the case management judge broad powers to “give any directions or make any orders that are necessary for the just, most expeditious determination of the proceeding on its merits.”

Federal Court Rules 384.1 and 385(1)(a)

10. Moreover, there are special features of class actions which may make survey evidence an important tool. Among these are:

- (a) Rule 334.16(1)(b) which is the requirement to appropriately frame the class, and to understand class size;
- (b) Rule 334.32 which is the requirement to develop a proper notice program; and
- (c) Rule 334.28(3) which permits special modes of proof in the assessment of monetary relief. This provision may arguably include the admissibility of survey evidence at a common issues trial.

Federal Court Rules, 334.16(1)(b), 334.32 and 334.28(3)

11. Accordingly, the Honourable Court has the necessary powers to make the order sought, and the survey will be of assistance to the parties in advancing this class action.

PART V – ORDER SOUGHT

12. The Plaintiffs asks that this motion, on consent, be granted, and that an order be issued appointing MV Management as a joint expert of the parties to conduct a survey and that the Defendant shall pay the reasonable costs of this work.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this May 5, 2021.



Douglas Lennox
Counsel for the Plaintiffs (Moving Parties)

Tab 5

Federal Court



Cour fédérale

Date:

Docket: T-1417-18

Ottawa, Ontario

PRESENT: The Honourable Madam Justice Strickland

**FEDERAL COURT
CERTIFIED CLASS PROCEEDING**

Between:

REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY AND LORNA WATTS

Plaintiffs

And

HER MAJESTY THE QUEEN

Defendant

Brought pursuant to the *Federal Courts Rules*, SOR/98-106

ORDER

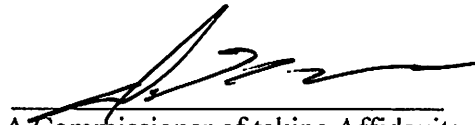
UPON READING the motion in writing, brought by the Plaintiffs, with the parties having filed their written consent to the motion,

IT IS ORDERED THAT:

1. MV Management shall be appointed as a joint expert of the parties to conduct a survey as described in the motion record.

2. The Defendant shall pay MV Management its reasonable costs for conducting the survey.

This is Exhibit "M" referred to in
the Affidavit of Aden Thompson-
Klein sworn before me on this 24th
day of July, 2023

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by several loops and a long horizontal stroke.

A Commissioner of taking Affidavits
in the Province of British Columbia

Summary of time expended by Class Counsel and Quebec Subclass Counsel

		Hours	Value
2018	Klein Lawyers	864.0	\$695,730.00
	Dionne Schulze	593.9	\$128,418.00
2019	Klein Lawyers	1,321.6	\$1,046,897.50
	Dionne Schulze	287.5	\$109,842.75
2020	Klein Lawyers	1,431.8	\$904,052.50
	Dionne Schulze	277.6	\$99,186.15
2021	Klein Lawyers	1,147.5	\$957,587.50
	Dionne Schulze	188.3	\$75,727.85
2022	Klein Lawyers	2,009.3	\$1,491,340.00
	Dionne Schulze	412.1	\$152,391.00
2023	Klein Lawyers	2,291.9	\$1,807,559.50
	Dionne Schulze	515.5	\$218,738.25
Overall	Klein Lawyers	9,066.1	\$6,903,167.00
	Dionne Schulze	2,274.9	\$784,304.00
	Total	11,341.0	\$7,687,471.00

This is Exhibit "N" referred to in the
Affidavit of Aden Thompson-Klein
sworn before me on this 24th day of
July, 2023

A handwritten signature in black ink, appearing to be 'A. Thompson-Klein', written over a horizontal line.

A Commissioner of taking Affidavits
in the Province of British Columbia

File: 43975

Indian Boarding Homes Class Action
400-1385 West 8th Avenue
Vancouver, BC V6H 3V9
STATEMENT OF ACCOUNT

RE: Indian Boarding Homes Class Action

OTHER CHARGES

Conference Calls#	24.76
Long Distance Telephone#	738.58
Facsimile#	148.54
Copying#	14,428.80

Total OTHER CHARGES \$15,340.68

TAXABLE DISBURSEMENTS

XpressPost	50.80
Trust Admin Fee	15.00
Postage	1,161.40
Legal Alternative Courier	0.89

2018-07-31	Corporate Couriers Logistics Ltd.	
Invoice: 414894		7.23
2018-09-19	Expert Report: Ritchie Media	
Invoice: R1106		400.00
2018-10-01	Flight: D. Lennox	
Oct 12-14, 2018		516.24
2018-10-12	Taxi – D. Klein	44.90
18-10-12	Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		90.10
2018-10-12	Daily Meal Reimbursement: D. Lennox	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		90.10
2018-10-13	Taxi – D. Klein	28.76
2018-10-13	Hotel: D. Klein	553.20
2018-10-13	Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		90.10
2018-10-13	Daily Meal Reimbursement: D. Lennox	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		90.10
2018-10-14	Daily Meal Reimbursement: D. Klein	

Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		90.10
2018-10-14	Daily Meal Reimbursement: D. Lennox	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		90.10
2018-10-16	Uber - D. Lennox	14.70
2018-10-16	Uber - D. Lennox	31.67
2018-10-16	Uber - D. Lennox	40.65
2018-10-16	Uber - D. Lennox	42.38
2018-10-16	Taxi – D. Klein	28.76
2018-10-23	Flight: A. Klein	
Nov 15 – 17, 2018		607.24
2018-10-23	Flight: D. Klein	
Nov 15-17, 2018		321.12
2018-11-15	Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		90.10
2018-11-15	Daily Meal Reimbursement: A. Klein	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		90.10
2018-11-16	Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		90.10
2018-11-16	Daily Meal Reimbursement: A. Klein	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		90.10
2018-11-16	Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		90.10
2018-11-20	UP Express	
D. Klein		18.50
2019-01-30	Flight: D. Lennox	
Feb 5-8, 2019		1,248.25
2019-02-05	Taxi – D. Lennox	66.90
2019-02-05	Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		90.10
2019-02-05	Daily Meal Reimbursement: A. Klein	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		90.10
2019-02-05	Daily Meal Reimbursement: D. Lennox	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		90.10
2019-02-04	Parking: D. Klein	3.33
2019-02-06	Seasons Catering	

Mediation Lunch	119.90
2019-02-06 Seasons Catering	
Mediation Breakfast	117.50
2019-02-07 Flight: D. Lennox	
Feb 21-22, 2019	252.25
2019-02-27 Hotel: D. Lennox	908.87
2019-02-21 Daily Meal Reimbursement: D. Lennox	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-02-22 Daily Meal Reimbursement: D. Lennox	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-02-27 Taxi – D. Lennox	30.48
2019-02-27 Taxi – D. Lennox	31.33
2019-02-14 Flight: A. Bespflug	
Feb 18-22, 2019	468.07
2019-02-18 Daily Meal Reimbursement: A. Bespflug	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-02-19 Daily Meal Reimbursement: A. Bespflug	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-02-20 Daily Meal Reimbursement: A. Bespflug	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-02-21 Daily Meal Reimbursement: A. Bespflug	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-02-22 Daily Meal Reimbursement: A. Bespflug	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-03-04 Taxi – A. Bespflug	11.38
2019-03-04 Taxi – A. Bespflug	35.48
2019-03-04 Taxi – A. Bespflug	60.24
2019-03-04 Taxi – A. Bespflug	14.62
2019-03-04 Taxi – A. Bespflug	52.62
2019-02-27 Flight: D. Lennox	
March 10-16, 2019	1,335.25
2019-03-10 Daily Meal Reimbursement: D. Lennox	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-03-11 Daily Meal Reimbursement: D. Lennox	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-03-12 Daily Meal Reimbursement: D. Lennox	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-03-13 Daily Meal Reimbursement: D. Lennox	

Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-03-14 Daily Meal Reimbursement: D. Lennox	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-03-15 Daily Meal Reimbursement: D. Lennox	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-03-16 Daily Meal Reimbursement: D. Lennox	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-04-26 Hotel: A. Klein	
April 9-13, 2019	832.24
2019-04-26 Flight: A. Klein	
April 9-13, 2019	606.01
2019-04-09 Daily Meal Reimbursement: A. Klein	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-04-10 Daily Meal Reimbursement: A. Klein	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-04-11 Daily Meal Reimbursement: A. Klein	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-04-12 Daily Meal Reimbursement: A. Klein	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-04-13 Daily Meal Reimbursement: A. Klein	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	90.10
2019-04-24 Flight: D. Klein	
June 16-18/19	768.24
2019-04-24 Flight: A. Klein	
June 16-18/19	768.24
2019-06-18 Hotel: D. Klein	654.44
2019-06-16 Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	91.25
2019-06-17 Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	91.25
2019-06-18 Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	91.25
2019-06-01 Taxi – D. Klein	10.24
2019-06-16 Taxi – D. Klein	45.20
2019-06-17 Taxi – D. Klein	26.54
2019-06-18 Taxi – D. Klein	44.05

2019-06-16	Daily Meal Reimbursement: A. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	91.25
2019-06-17	Daily Meal Reimbursement: A. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	91.25
2019-06-18	Daily Meal Reimbursement: A. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	91.25
2019-05-06	Flight: A. Bespflug	
	June 16-18/19	795.74
2019-06-20	Hotel: A. Bespflug	
	June 19, 2019	658.40
2019-06-16	Daily Meal Reimbursement: A. Bespflug	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	91.25
2019-06-17	Daily Meal Reimbursement: A. Bespflug	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	91.25
2019-06-18	Daily Meal Reimbursement: A. Bespflug	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	91.25
2019-06-20	Taxi – A. Bespflug	31.81
2019-05-30	Flight: D. Lennox	
	June 17/19	586.24
2019-06-17	Daily Meal Reimbursement: D. Lennox	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	91.25
2019-06-20	Uber – D. Lennox	11.37
2019-06-20	Taxi – D. Lennox	42.95
2019-06-20	Taxi – D. Lennox	43.05
2019-06-20	Taxi – D. Lennox	26.17
2019-06-19	Flight: A. Klein	
	Aug 15/19	1,073.24
2019-06-19	Flight: D. Klein	
	August 15/19	1,073.24
2019-06-21	Hotel: D. Klein and A. Klein	319.96
2019-08-15	Daily Meal Reimbursement: D. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	91.25
2019-08-16	Daily Meal Reimbursement: D. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	91.25
2019-08-15	Computer/AV Cable	33.26
2019-08-16	Uber – D. Klein	33.87
2019-08-15	Daily Meal Reimbursement: A. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	91.25

2019-08-16	Daily Meal Reimbursement: A. Klein Breakfast/Lunch/Dinner Per Government of Canada Meals and Allowances Travel Directive	91.25
2019-08-13	Flight: D. Lennox	
Aug 16/19		756.24
2019-08-16	Daily Meal Reimbursement: D. Lennox Breakfast/Lunch/Dinner Per Government of Canada Meals and Allowances Travel Directive	91.25
2019-08-23	Uber – D. Lennox	15.35
2019-08-23	Uber – D. Lennox	33.11
2019-08-23	Uber – D. Lennox	51.02
2019-08-23	Uber – D. Lennox	19.05
2019-06-20	Flight: A. Bespflug	
Aug 15-16, 2019		712.98
2019-08-23	Hotel: A. Bespflug	316.54
2019-08-15	Daily Meal Reimbursement: A. Bespflug Breakfast/Lunch/Dinner Per Government of Canada Meals and Allowances Travel Directive	91.25
2019-08-16	Daily Meal Reimbursement: A. Bespflug Breakfast/Lunch/Dinner Per Government of Canada Meals and Allowances Travel Directive	91.25
2019-08-27	Meeting Room Rental	
August 16-19, 2019		2,021.49
2019-10-25	Seasons Catering Refreshments for Meeting	139.90
2019-10-11	Flight: D. Klein	
Nov 12-13/29		796.24
2019-11-13	Hotel: D. Klein	218.37
2019-11-13	Daily Meal Reimbursement: D. Klein Breakfast/Lunch/Dinner Per Government of Canada Meals and Allowances Travel Directive	91.50
2019-11-13	Taxi – D. Klein	35.69
2019-11-13	Parking – D. Klein	39.05
2019-11-13	Uber – D. Klein	23.19
2019-10-29	Flight: D. Lennox	
Nov 12-15/19		542.25
2019-11-20	Uber – D. Lennox	23.32
2019-11-20	Uber – D. Lennox	23.26
2019-11-20	Hotel: D. Lennox	472.65
2019-11-20	Taxi – D. Lennox	35.40
2019-11-01	Expert Invoice: John S. Milloy Invoice No. 1	1,500.00
2019-12-09	Minister of Finance Copy of the Statement of Claim	23.00
2019-12-20	Media Expert: Kinsella Media Invoice 5056	5,645.32
2020-01-17	Expert: The Hilsee Group LLC Invoice 154191227	20,800.51

2021-03-22	Expert: Raven Sinclair Consulting	
Invoice 2021-KL 01		2,200.00
2021-06-28	Expert: Raven Sinclair Consulting	
Invoice 2021-KL 02		2,800.00
2022-09-15	Flight: D. Klein	
Nov 12 & 16/22		1,643.25
2022-10-04	USB	6.35
2022-10-12	Flight: R. Percival	
Nov 13 & 16/22		758.25
2022-10-17	Hotel: R. Percival	896.48
2022-11-03	Accommodations: D. Klein	2,574.28
2022-11-19	Flight: D. Klein	
Nov 12-16/22		1,449.25
2022-11-12	Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		102.45
2022-11-13	Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		102.45
2022-11-14	Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		102.45
2022-11-15	Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		102.45
2022-11-16	Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		102.45
2022-11-15	Uber – D. Klein	28.43
2022-11-15	Uber – D. Klein	6.21
2022-11-16	Transit – D. Klein	17.70
2022-11-23	Flight: D. Klein	
Dec 3-8/22		677.00
2022-11-25	Flight: D. Lennox	
Dec 3-8/22		413.12
2022-11-27	Flight: A. Klein	
Dec 5-8/22		678.66
2022-12-05	Flight: R. Percival	
Dec 5-8/22		1463.25
2022-11-20	Accommodations: D. Klein and A. Klein	
Dec 3-8/22		2,311.24
2022-12-05	Hotel: R. Percival	1,196.00
2022-12-03	Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		102.45
2022-12-04	Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner		
Per Government of Canada Meals and Allowances Travel Directive		102.45

2022-12-05	Daily Meal Reimbursement: D. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	102.45
2022-12-06	Daily Meal Reimbursement: D. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	102.45
2022-12-07	Daily Meal Reimbursement: D. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	102.45
2022-12-08	Daily Meal Reimbursement: D. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	102.45
2022-12-03	Transit – D. Klein	10.47
2022-12-04	Uber – D. Klein	4.39
2022-12-04	Uber – D. Klein	19.43
2022-12-04	Uber – D. Klein	24.63
2022-12-05	Transit – D. Klein	26.00
2022-12-08	Transit – D. Klein	20.00
2023-01-05	Transit – D. Klein	20.00
2022-12-06	Meeting Supplies	17.31
2022-12-03	Daily Meal Reimbursement: A. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	102.45
2022-12-04	Daily Meal Reimbursement: A. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	102.45
2022-12-05	Daily Meal Reimbursement: A. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	102.45
2022-12-06	Daily Meal Reimbursement: A. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	102.45
2022-12-07	Daily Meal Reimbursement: A. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	102.45
2022-12-08	Daily Meal Reimbursement: A. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	102.45
2023-02-02	Flight: D. Klein	
	Feb 21/23	2,152.74
2023-02-17	Flight: C. Neszo	
	Feb 21-22 2023	1,227.74
2023-02-17	Flight: A. Klein	
	Feb 21-22/23	824.17
2023-02-18	Hotel: C. Neszo	192.53
2023-02-23	Hotel: D. Klein	181.21
2023-02-23	Hotel: A. Klein	181.21
2023-02-23	Daily Meal Reimbursement: D. Klein	

Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	102.45
2023-02-23 Daily Meal Reimbursement: A. Klein	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	102.45
2023-02-23 Daily Meal Reimbursement: C. Neszo	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	102.45
2023-02-22 Uber – D. Klein	40.12
2023-02-23 Taxi – D. Klein	34.17
2023-02-28 Taxi – D. Klein	48.67
2023-02-28 Flight: C. Neszo	
Mar 9-10 2023	2,161.77
2023-03-01 Uber – D. Klein	6.29
2023-03-07 C. Neszo - Evo Car Share	5.39
2023-03-14 Hotel: C. Neszo	317.36
2023-03-14 Daily Meal Reimbursement: C. Neszo	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	102.45
2023-03-14 Transit – C. Neszo	11.50
2023-03-14 Transit – C. Neszo	12.35
2023-03-10 Network Reporting & Mediation	
Invoice 692064	227.64
2023-03-12 Flight: A. Klein	
Mar 29-30 2023	1,254.25
2023-03-12 Flight: D. Klein	
Mar 29-20 2023	1,254.25
2023-03-16 Flight: C. Neszo	
Mar28-30 2023	1,016.25
2023-03-29 Hotel: C. Neszo	
Mar 28-30 2023	296.27
2023-03-29 Hotel: D. Klein	
Mar 28-30 2023	169.35
2023-03-29 Hotel: A. Klein	
Mar 28-30 2023	169.35
2023-03-08 Transit – D. Klein	13.87
2023-03-28 Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	102.45
2023-03-29 Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	102.45
2023-03-30 Daily Meal Reimbursement: D. Klein	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	102.45
2023-03-28 Daily Meal Reimbursement: A. Klein	
Breakfast/Lunch/Dinner	
Per Government of Canada Meals and Allowances Travel Directive	102.45

2023-03-29	Daily Meal Reimbursement: A. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	102.45
2023-03-30	Daily Meal Reimbursement: A. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	102.45
2023-03-28	Daily Meal Reimbursement: C. Neszo	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	102.45
2023-03-29	Daily Meal Reimbursement: C. Neszo	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	102.45
2023-03-30	Daily Meal Reimbursement: C. Neszo	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	102.45
2023-03-08	Transit – D. Klein	10.00
2023-03-11	Transit – D. Klein	10.00
2023-03-29	Uber – D. Klein	18.93
2023-03-29	Transit – C. Neszo	14.85
2023-03-29	Uber – C. Neszo	17.42
2023-03-29	Uber – C. Neszo	17.83
2023-03-30	Meeting Room Booking	311.64
2023-04-12	Flight: D. Klein	
Apr 19-21/23		406.13
2023-04-12	Hotel: D. Klein	162.24
2023-04-11	Flight: C. Neszo	
Apr 19-21 2023		812.25
2023-04-12	Hotel: C. Neszo	
Apr 19-21 2023		324.48
2023-04-12	Flight: A. Klein	
Apr 18-20/23		733.97
2023-04-12	Daily Meal Reimbursement: A. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	106.10
2023-04-19	Daily Meal Reimbursement: A. Klein	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	106.10
2023-04-20	Daily Meal Reimbursement: C. Neszo	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	106.10
2023-04-21	Daily Meal Reimbursement: C. Neszo	
	Breakfast/Lunch/Dinner	
	Per Government of Canada Meals and Allowances Travel Directive	106.10
2023-04-21	Transit – C. Neszo	10.93
2023-04-21	Uber – A. Klein	51.53
2023-04-19	Uber – D. Klein	20.34
2023-04-20	Uber – D. Klein	11.80
2023-04-21	Uber – D. Klein	13.50

2023-04-21	Transit – D. Klein	6.17
2023-06-09	Network Reporting & Mediation	
Invoice 696705		499.00
2023-06-28	CA2 Inc.	
Invoice 18057		16,151.81
TOTAL TAXABLE DISBURSEMENTS		\$110,324.16

GST on Other Charges & Taxable Disbursements PST on Other Charges

\$6,283.24
\$1,073.83

NON-TAXABLE DISBURSEMENTS

2018-07-24	Federal Court Filing Fee	
Statement of Claim		2.00

TOTAL NON-TAXABLE DISBURSEMENTS \$2.00

Total Disbursements \$125,666.84

GST \$6,283.24
PST \$1,073.85
Total \$133,023.91

Balance Due \$133,023.93

Tax Number: 804173581 RT0001
GST and PST applied

David A. Klein
E &OE

This is Exhibit "O" referred to in the
Affidavit of Aden Thompson-Klein
sworn before me on this 24th day of
July, 2023

A handwritten signature in black ink, appearing to be 'A. Thompson-Klein', written over a horizontal line.

A Commissioner of taking Affidavits
in the Province of British Columbia

DRAFT FRAMEWORK

Date: February 3, 2023

Re: Draft Framework for Boarding Homes Survivor Class Member Outreach, Assistance and Support Strategies

This draft framework outline (the “Framework”) is for internal use to aid in devising strategies for survivor class member outreach, assistance and support, where:

- 1) **Outreach** means getting the word out to Nations and individuals affected by the Boarding Homes Program, including devising strategies for information sessions and packages. More than notice, these are strategies for engagement via different mediums, including in-person, online, through radio, social media, by regular mail, etc.
- 2) **Assistance** means helping individual class members with their claim forms, inclusive of helping those in the Nation and Nation leadership aid the survivor class members to this end.
- 3) **Support** means mental health support for individual survivor class members throughout the claims process, including while they fill out their forms, which can be re-traumatizing for survivors.

There are no perfect precedents for what is being proposed in this Framework and there is very little in the public domain to guide the creation of a robust strategy for a appropriate, culturally sensitive and trauma-informed claims administration process for class actions involving Indigenous peoples. There are criticisms that past strategies in other settlements were not adequately implemented on-the-ground. This Framework takes into consideration feedback of other settlement agreements and claims processes, namely from reports on the IRSSA and its claims process and from the materials of the Day Schools deadline extension motion.

I. Forward Looking

The objectives of this Framework should be forward looking. Class action settlements build on the successes and challenges experienced by prior settlements. The settlement processes in this case will have precedential value for future class actions. This Framework should be viewed in the context of creating networks and connections that can be utilized for settlement negotiations and claims administration processes not only for the Boarding Homes class action, but for future class action litigation involving Indigenous peoples.

II. Methodology and Resources Relied Upon

Settlement Agreements, Agreements in Principle, Reports and motion materials for IRSSA, Day Schools, Day Scholars, Sixties Scoop and Boarding Homes (AIP only) have been reviewed for

preparation of this Framework. Dr. Coon Come's comments were also helpful in guiding the substance of this Framework.

III. Outreach

What is clear from the materials upon which this Framework relied, particularly for remote northern First Nations, is that word of mouth is the best means by which to ensure notices and information about the class action, the settlement agreement and the claims process is dispersed throughout a Nation to its members. While use of the internet, social media, emails, etc. are of use to less remote Nations, it has been repeatedly stated that primary reliance on these modes of communication are insufficient to get the word out to the Nation members in remote Nations, often because these Nations do not have adequate internet connectivity. For this reason, other means of communication are suggested here.

1) In Person

There will be an impetus on class counsel or their representatives, and law firms who may help with individual claims to make a concerted effort to visit reserves in-person. There are time and cost constraints related to in-person meetings on reserve, however as this was a significant criticism of both IRSSA and Day Schools, it important to highlight here.

Broadly and very generally speaking (as a pan-Indigenous perspective cannot be taken) Indigenous peoples and Nation leadership see face-to-face communication as a sign of respect. There can be significant distrust with those who will not speak with them in person (in addition to the inherent distrust of lawyers, judges, governments, and the legal system generally for many Indigenous Nations and peoples), and who rely solely on remote or impersonal communication. For the survivor class members, this is particularly difficult when dealing with the trauma they have suffered, as was made clear in the materials for the Day Schools Motion. In order to build trust and strong networks and connections for this and future class actions involving Indigenous peoples, the creation of a relationship should ideally be done in-person at some point in the process. Additionally, any in-person meetings should be done according to the customs and protocols of that Nation, with advice from the First Nation leadership, or trusted and respected members.

Of course, the use of virtual technology, such as Zoom and Teams meetings, will also be of assistance to those First Nations with reliable access to the internet. These should ideally be used in conjunction with in-person meetings.

There should be cultural-sensitivity and cultural respect on the part of the lawyers, mental health workers, social workers, and any other individuals coming onto these territories to speak to or help the survivor class members, their families and their Nations. These were noted as lacking in other class action claims processes.

2) First Nations and Tribal Councils

Every First Nation and Tribal Council in Canada has a [mailing address](#). One strategy for outreach may be to send out informational packages to each First Nation, which clearly lay out the information regarding the Boarding Homes class action and settlement agreement, what the next steps will be for the claims process, what survivor class members can do immediately to prepare for the claims process (such as gathering any documents that may exist on placement in program and abuse suffered), where they can get more information, contact information for class counsel, and possibly suggestions for law firms in surrounding areas who may be able to help them with their individual claims, mental health support that can be accessed before, during and after the claims application process, among other information. This would also prompt word of mouth discussion among members who live on and off reserve.

Ideally, the information packages can be put up around the reserve and locations outside of the reserve where members can be found (i.e., in nearby towns, restaurants, coffee shops, gas stations, etc.). This will hopefully enhance the outreach significantly on the ground.

It may be worthwhile to also have numerous claims forms sent to each First Nation (and Tribal Council, etc.) when its formatting has been agreed upon, rather than having them only available online for downloading and printing.

Tribal Councils also each have a [mailing address](#). While many First Nations are part of a Tribal Council, the Councils themselves are often located in more urban areas and would ideally be able to provide this information to off-reserve members.

3) Aboriginal Friendship Centres

Aboriginal Friendship Centres are located across Canada. They are non-profit organizations generally located in urban areas that provide numerous and varied services to their Indigenous members, including health services and assistance in finding housing and employment. They are very helpful in aiding the transition from life on-reserve to off-reserve for their members.

Each Aboriginal Friendship Centre has its own [mailing address](#). Providing these organizations with the information packages, which they can share on social media and through other modes of communication, may help in dispersing the information to survivor class members. They may also be helpful in ensuring that this information is disseminated to survivor class members who do not have a permanent address, and can possibly engage their network and connections to reach as many survivor class members as possible.

Aboriginal Friendship Centres exist across Canada, though in Ontario they have partner foundations called [Indigenous Friendship Centres](#), which also each have [mailing addresses](#).

As will be discussed below in the “Support” section, some Aboriginal Friendship Centres have access to mental health supports as well, including Elders and traditional healers. They may be a good resource for building support networks.

4) Incarcerated Indigenous Peoples

The [BC First Nations Justice Council](#) (the “FNJC”) was created by the BC Assembly of First Nations, the First Nations Summit and the Union of BC Indian Chiefs in 2016. They have staff lawyers who act as defence counsel for incarcerated Indigenous men and women. They may have means by which to reach out to incarcerated Indigenous peoples, as well as those in remand or out on bail, so that they are not overlooked in the claims process. They may well have connections to other jurisdictions to get the word out to incarcerated Indigenous peoples held at institutions across Canada.

It may be worthwhile to also send informational brochures to prisons and institutions.

5) *Public Guardians and Trustees*

Reaching out to estates or administrators of deceased class members and persons under disability can present specific challenges. Indigenous Services Canada is responsible for [estates services](#) for First Nations in all provinces (but not Inuit estates), if the individual is residing on-reserve or was residing on-reserve at the time of death.

In addition, every province has a public guardian and trustee office which could be contacted. ISC’s webpage provides the following list:

- Alberta: [Office of the Public Guardian and Trustee](#)
- British Columbia: [Public Guardian and Trustee of British Columbia](#)
- Manitoba: [Public Guardian and Trustee of Manitoba](#)
- New Brunswick: [Public Trustee Services](#)
- Newfoundland and Labrador: [Office of the Public Trustee](#)
- Northwest Territories: [Office of the Public Guardian](#)
- Nova Scotia: [Nova Scotia Public Trustee](#)
- Nunavut: [Public Trustee Office](#)
- Ontario: [The Office of the Public Guardian and Trustee](#)
- Prince Edward Island: [Public Trustee, Public and Official Guardian](#)
- Quebec: [Curateur public : Protection of persons of full age](#)
- Saskatchewan: [Power of Attorney, Guardianship and Trusts](#)
- Yukon: [Office of the Public Guardian and Trustee](#)

6) *Radio*

There is a list of Indigenous radio stations across Canada found [here](#). Purchasing ad space and possibly appearing on the radio stations for interviews with the hosts will provide another means by which information can be disseminated to First Nations members on and off reserve. Radio may be a more common way to get information in remote Nations.

7) Universities and Colleges

Most universities and colleges in Canada have an association or organization that is meant to provide assistance and support to Indigenous students. While many of the Indigenous students themselves may not be part of the class action, they may be able to get information to members of their First Nation in order to reach those who may be eligible for compensation in the Boarding Homes class action.

IV. Assistance

Assistance with claims forms should come primarily from the lawyers and their staff, not only because they have the legal capacity to appropriately guide survivor class members, but also because they are the ones who will be compensated for doing so. It may lead to inadequate and thus possibly unfair claims form applications if non-lawyers form the primary source of assistance to class members. However, as discussed below, there will be opportunities to involve non-lawyers in helping survivor class members with their claims forms if they are appropriately trained to do so.

1) The Claims Forms

There were significant criticisms of both IRSSA and Day Schools with respect to the complexity of the claims form and process. While the claims form must be comprehensive to ensure that the correct and accurate information is provided to the Claims Administrator, it is important that the complexity of the claims form not be a barrier to obtaining compensation. It will be important for the Claims Administrator, once selected, to play an active role in creating the claim forms.

2) Archivists and Genealogists

In some instances, class membership verification and substantiation of abuse suffered may be lacking. We may consider requesting funding to hire archivists and genealogists to help locate personal records, such as medical records, and school records, and other documents required for the claim.

The [Association of Canadian Archivists](#) has done much work with Indigenous peoples with respect to Canadian records of Indigenous peoples and Nations. They have a [Special Interest Section for Indigenous Archives](#) focused on their members who do specific work with Indigenous collections/materials.

There is also the [Association of Professional Genealogists](#) that helps the public connect with genealogists from around the world. There are a few genealogists in Canada that deal specifically with Indigenous ancestry, and which may be of help in locating certain records. Such services are, of course, also provided through the [Government of Canada](#), namely for those who have Status.

3) Translators

It will be important that survivor class members have access to assistance (and support) in languages beyond English and French. Particularly for any services provided on-reserve where neither English nor French are the primary language of the residents. It would be ideal to have a strong relationship with the Nation itself to have access to translators not only of the same language, but also in the correct dialect of that Nation, the lack of which was a criticism of both IRSSA and Day Schools.

4) Training

It may be worthwhile to consider creating a training video and materials that can be provided to survivor class members to help them understand how to fill out their claims forms, as well as be a guide for others willing and able to help them with their claims forms. The claims form will require a certain degree of complexity, and thus any training that can help both survivor class members and any non-lawyers able to help them may be a benefit. Creating and providing training may help streamline the information provided by those offering assistance and support, ensuring that the information is accurate and uniform. It can help everyone involved be assured that they understand the claims form and process.

Given the amount of information required for any claim, even with a more simplified form than used in Day Schools, there should be some level of training for anyone who has taken on the task of helping a survivor class member during the claims process. This claims form training could be given to social workers, mental health support workers, First Nation band administrators, Nation members, family and friends, and the survivor class members themselves, to expand the network of people who can help a survivor class member with their forms.

This training could be in the form of a video that is put on social media, such as YouTube, and provided directly to every First Nation, Tribal Council, Friendship Centre, or other applicable organization on a USB or DVD to ensure that everyone has access to a step-by-step guide on how to fill out the claim forms, what the process of the Claims Administrator will be in reviewing the forms, describing the necessary documents that will be required and how to gather them, and any other information that will assist survivor claims members in filling out their forms. These videos may also include information about the boarding homes program itself and be another means of outreach to First Nations. It would be ideal if this training could be offered in various Indigenous languages, as well.

On the Day Schools Class Action website there are videos that attempt to explain and provide instruction for survivor class members regarding the claims process. Evidently this was not sufficient. The training should be more detailed, and be made available directly to Nations, in addition to the website and social media channels. It would be a step-by-step guide of a lawyer filling out the actual claim forms, and describing the process of how to gather documents, as well as how they will be used in the claims process.

V. Support

The lack of mental health and wellness support for survivor class members, their families and their Nation is arguably the number one criticism of class action litigation involving Indigenous peoples to date, as is class counsel not making survivor class members aware of what mental health and other supports were available. A way to mitigate this is to create a knowledge base of support that is available for survivor class members before the claims process begins.

Support should be wholly independent of assistance, unless those providing the support are trained to provide assistance to survivor class members in filling out and submitting their claims forms.

Avenues to be explored include existing organizations that have experience providing these supports to Indigenous peoples, particularly survivors of forced educational programs in Canada. The [Indian Residential School Survivors Society](#), for example, may be able to provide guidance on where to start when it comes to finding mental health supports for Indigenous peoples for this class action litigation. The [Truth and Reconciliation Commission](#) did a good job of helping survivor claimants after the IRSSA claims process and may also be able to provide some guidance on finding support for the Boarding Homes claims process. Their publication, "[Lessons Learned: Survivor Perspectives](#)" discusses what survivors did and did not find helpful in the IRSSA claims process.

Psychological and traumatic issues that arise when filling out these claims forms can mean that survivor class members may need to take a long time to fill out their forms as they process and work through their trauma. This should perhaps be kept in mind when negotiating the claims deadline.

1) Elders and Traditional Healers

Support should not be focused solely on mental health and social work support workers as they are understood and certified in Canada. Elders and traditional healers within and outside of First Nations should be engaged as well. Being able to create support networks inclusive of Elders and traditional healers can only be done by engaging the help of the First Nation themselves, as well as some Indigenous organizations, such as Friendship Centres. Universities and colleges will often have access to a network of Elders and healers, and may be utilized to create this network as well. It should be noted, however, that most Friendship Centres and universities and colleges are located in urban centres, and may not be available to assist survivor class members in remote areas. Finding Elders and traditional healers who are from a remote First Nation who can travel to other remote Nations may be helpful. The Elders and healers must be respected within the First Nation, and there will be some First Nations who have more and easier access to Elders and healers than others.

Many Nations have a department for health and wellness where they coordinate Health Canada funding (discussed below) for Status members. They may also have access to Elders and traditional healers, in conjunction with Canadian certified mental health workers, through their health departments. If a relationship can be built with First Nations, then hopefully they can provide assistance in accessing Elders and traditional healers for support for survivor class members. Elder

and traditional healer supports may also be provided through provincial and territorial health authorities, as will be discussed below.

It is important to keep in mind that many of these Elders and/or traditional healers may themselves be survivors of IRS, Day Schools, Boarding Homes, and other such institutions in Canada. One must be sensitive to the limitations of requesting their help with the support component of the claims process, but if they are able, they should be incorporated into the support network.

2) Non-Insured Health Benefits

Every First Nation person with Indian Status has access to benefits that can work in conjunction with existing provincial benefits (i.e., MSP in BC; OHIP in Ontario, etc.), or separately. These are called [Non-Insured Health Benefits](#) (“NIHB”), which provide coverage for, among other things, vision care, dental care, pharmaceuticals, medical supplies and equipment, and [mental health services](#).

In most provinces and territories, the NIHB program is administered by Health Canada, where claims are made directly to Health Canada for reimbursement and somewhat coordinated through ISC. Health Canada generally works with individual Nations, Tribal Councils and other Indigenous organizations to help Status First Nations peoples access these benefits. Some territorial and provincial health authorities also assist in this coordination. BC has an organization called the [First Nations Health Authority](#) (“FNHA”) which, in conjunction with First Nations in BC and Health Canada, provide support and assistance to Status First Nations members to access these benefits.

The NIHB program may be a potential avenue to access mental health and social worker support workers who have experience helping Indigenous peoples, to provide counselling services for the Boarding Homes claims process. Coverage for the services should ideally not eat into the existing NIHB benefits, but rather be an addition to them during the claims process. The exact makeup and structure of this arrangement depends, of course, on the feasibility of Canada cooperating with this suggestion.

3) First Nations Health Authority in BC

Through the FNHA there is a [list](#) of mental health counsellors from which a Status First Nation individual in BC can choose. These mental health providers must complete cultural safety training and register with FNHA to provide mental health services to Status First Nations in BC. Some of these counsellors have accreditation that allows them to provide services to clients across Canada (i.e., those with Canadian Certified Counsellor or “CCC” designations).

These providers may be particularly attractive candidates for providing mental health services support to survivor class members in the claims process because they are already culturally trained and many have trauma training related to IRS survivors.

4) *Indigenous Health Services in Provincial and Territorial Health Authorities other than BC*

Health authorities in other provinces and territories may also provide Indigenous-specific health care guidance and resources. These do not appear as integrated as the FNHA, however they may be able to provide access to mental health support workers who are culturally trained, access to healing centres, and potentially access to Elders and traditional healers. Below is a list of Indigenous health services provided through provincial and territorial health authorities, with notations where access to Elders, traditional healers, and cultural support workers is mentioned.

Alberta	<p>Indigenous Health</p> <ul style="list-style-type: none"> - Go to “Services by Zone”, then, by zone, services provided include access to Elders, traditional medicines, healing circles and formal ceremonial healing events. These appear more accessible in the Calgary and Edmonton zones.
Saskatchewan	<p>First Nations and Métis Health Services</p> <ul style="list-style-type: none"> - Notes “Elders/Cultural Support Workers” as services provided.
Manitoba	<p>Indigenous Health Patient Services</p> <ul style="list-style-type: none"> - Provides services for ceremonies and traditional medicines. - Depending on health region, can provide cultural, spiritual and emotional support and make connections with family, Elders and community organizations.
Ontario	<p>Indigenous Services and Resources</p> <ul style="list-style-type: none"> - Not a lot of information on their website, though does provide a commitment to equity for Indigenous peoples through the Indigenous Health Equity and Coordination. - Inquiries may need to be made directly to the Ontario health authority.
Newfoundland and Labrador	<p>Aboriginal Health</p> <ul style="list-style-type: none"> - This link provides resources that are not necessarily Indigenous specific - The link for “About Aboriginal Health” is broken and I could not find any further information specific to Indigenous health on the government website.

	<ul style="list-style-type: none"> - Inquiries may need to be made directly to the NL health authority.
New Brunswick	<p>Horizon Health Network</p> <ul style="list-style-type: none"> - Regional Health Authority in New Brunswick which provides Indigenous Health services. - Is not specific as to what kinds of services are provided. - Inquiries may need to be made directly to this Network or the NB health authority.
Prince Edward Island	<p>There does not appear to be specific services provided to Indigenous peoples through the PEI Health Authority.</p> <ul style="list-style-type: none"> - However, the Native Council of PEI does provide some programs and services to generally off-reserve Indigenous peoples there, including mental health support. It does not appear that they provide these services themselves, but help coordinate these services for off-reserve Indigenous peoples. - For on-reserve Indigenous peoples in PEI, the Mi'kmaq Confederacy of PEI provides health service support, in attempts to help Indigenous peoples access health services, including culturally appropriate mental health and wellness support. It does not appear that they provide these services themselves, but help coordinate these services for on-reserve Indigenous peoples. - Inquiries may need to be made directly to PEI health authority.
Nova Scotia	<p>First Nations, Indigenous</p> <ul style="list-style-type: none"> - Services provided for mental health support, and provides a resource list for different First Nations community Health Centres on their website.
Yukon	<p>Community Hospitals and Health Centres through the Yukon Health Guide</p> <ul style="list-style-type: none"> - Lists Indigenous health centres in the Yukon, funded by the Yukon Government. No specific “Indigenous

	<p>Health” is provided for on the government website for the health department.</p> <ul style="list-style-type: none"> - Many of the centres listed speak multiple Indigenous languages.
Northwest Territories	<p>There does not appear to be specific Indigenous Health Services provided in the NWT</p> <ul style="list-style-type: none"> - There is the “Stanton Indigenous Wellness Program” which operates out of the Stanton Territorial Hospital in Yellowknife, and provides services in the seven official Indigenous languages of the NWT, as well as cultural programming. - Inquiries may need to be made directly to NWT health authority.
Nunavut	<p>There is no specific Indigenous health services noted on the government health department website.</p> <ul style="list-style-type: none"> - Inquiries may need to be made directly to Nunavut health authority.

It should be noted that for the territories, which have large Indigenous populations and Indigenous leadership, it may not be as important to have “Indigenous health services” because these are inherently incorporated into the health services normally provided.

5) *Resolution Health Support Program*

The Resolution Health Support Workers (“RHSW”) program was created through the IRSSA process and acts independently of health care workers provided through NIHB, discussed above.

The report “[The Indian Residential Schools Resolution Health Support Program Continuation Report](#)”, published by the AFN, provides suggestions for the continuation of the RHSW program. This program as been [extended](#) to provide mental health counselling, emotional support, Nation-based cultural support services and some assistance with transportation costs for survivors, family members and those affected by the issue of Missing and Murdered Indigenous Women and Girls and the Day Schools Class Action.

Use of RHSW could be a part of implementing the Boarding Homes Settlement Agreement. The AFN report, above, notes that it has been a successful program and should not end. Additionally, these RHSW already have connections to the Nations in which they have worked, making the availability of support easier to provide to survivor class members.

6) Necessity for In-Person Mental Health and Social Work Support

A concern for survivor class members in previous class action litigation is that these mental health and social work services are not provided in person. What would be required to mitigate this in Boarding Homes is a network of mental health and social work support workers who can be available to travel to reserves, particularly remote reserves, for a few weeks to a few months to ensure that every eligible survivor class member is appropriately supported during the claims process.

There was significant criticism in IRSSA and Day Schools that phone numbers to mental health support organizations, such as the Hope for Wellness Help Line, were insufficient to provide the necessary support for survivor class members during the claims process.

Any strategy for providing mental health supports to survivor class members before, during and after the claims process should ideally include a network of mental health workers who are able to visit the remote Nations and be on hand to help them with mental health and wellness support while they fill out their claim forms. This may be possible through the NIHB and FNHA mental health workers and social workers, and potentially through the extension of the RHSV program for the Boarding Homes class action. And ideally, these mental health support workers have cultural sensitivity training and are trauma-informed.

VI. Further Suggestions

The Foundation established by this settlement could be modelled on the [Aboriginal Healing Foundation](#), which closed in [2014](#). The Aboriginal Healing Foundation provided resources and were facilitators in the healing process for Indigenous peoples who had gone through Indian Residential Schools. They directed funds received by the federal government to local Friendship Centres and other organizations to help Indigenous peoples access resources and means of healing and reconciliation. A [paper](#) was released soon after its closing which noted the unfinished work of the Aboriginal Healing Foundation. It may be worthwhile to pursue creating a foundation that reflects and continues the efforts of the Aboriginal Healing Foundation.

This is Exhibit "P" referred to in the
Affidavit of Aden Thompson-Klein
sworn before me on this 24th day of
July, 2023

A handwritten signature in black ink, appearing to be 'A. Thompson-Klein', written over a horizontal line.

A Commissioner of taking Affidavits
in the Province of British Columbia

Federal Court



Cour fédérale

Date: 20230616

Docket: T-1417-18

Ottawa, Ontario, June 16, 2023

PRESENT: The Honourable Mr. Justice Pamel

CERTIFIED CLASS PROCEEDING

BETWEEN:

**REGINALD PERCIVAL, ALLAN MEDRICK MCKAY,
IONA TEENA MCKAY and LORNA WATTS**

Plaintiffs

and

HIS MAJESTY THE KING

Defendant

ORDER

UPON motion made by the plaintiffs, on consent, for an Order approving notice of certification and of a settlement approval hearing, specifying the timing and manner for opting out and allocating the costs of notice;

THIS COURT ORDERS that:

1. The form of notice shall be substantially in the forms attached as Schedule A [Short Form Notice] and Schedule B [Long Form Notice] [together the Notice].

2. Class Counsel shall arrange for the Notice to be published in the manner described in the Notice Plan at Schedule C.
3. Class Counsel shall provide to the Court any Class Member statements of support or objection, and shall advise the Court of any request by any Class Member to participate in the Settlement Approval Hearing, as may be received in accordance with the Notice, no later than 1 week prior to the commencement of such hearing.
4. A Class Member may opt out of this class proceeding by delivering a signed opt-out form in substantially the form attached at Schedule D to Class Counsel or to Quebec Subclass Counsel by the opt-out deadline which will be set by the Court, and will be at least sixty (60) days from the date on which the Court issues an order regarding approval of the settlement.
5. The cost of notice shall be borne by the defendant.

"Peter G. Pamel"

Judge

Schedule A

Notice of Certification and Settlement Approval Hearing (Short Form)

Indian Boarding Homes Class Action

Were you placed in a private home by Canada for the purpose of attending school? If yes, please read this notice carefully because it affects your legal rights.

What is the class action about?

The Indian Boarding Home Program was an educational program in which the Government of Canada placed children from First Nations communities and Inuit villages in other communities (usually non-Indigenous) to stay with private families for the purpose of attending school. The class action alleges that Canada's actions in creating, operating, and maintaining the Indian Boarding Home Program were wrong. These actions created an environment where children were abused, harassed, and suffered other harms. The prolonged absence from family and community also caused loss of culture, language, and community bonding.

Who is included in the proposed settlement?

The classes are defined as follows:

a) Primary Class	Individuals who were placed in private homes, during the period of September 1, 1951 and June 30, 1992, for the purpose of attending school, not including placements for post-secondary education Individuals placed after June 30, 1992, are also included if Canada was responsible for their placement.
b) Family Class	Members of the individual's family who lost the guidance, care, or companionship they could expect from the individual

To be eligible for compensation, Class Members must have been alive on July 24, 2016.

What benefits does the proposed settlement provide?

The proposed settlement must be approved by the Federal Court before compensation will be available to class members. If approved, every Primary Class Member will be eligible for a Category 1 payment of \$10,000: a single payment to anyone who was in the Indian Boarding Homes Program.

You may also apply for Category 2 compensation ranging from \$10,000 to \$200,000 based on the harms that you suffered, such as physical or sexual abuse. You may hire your own lawyer to help prepare your application for Category 2 compensation. In that case, Canada will pay the lawyer an amount equal to 5% (plus tax) of the Category 2 payment you receive.

A foundation will be created to support commemoration, healing, and preserving languages and culture. Canada will pay \$50 million to be administered by the Foundation.

Family Class Members will not receive direct compensation. Their claims will be recognized and addressed by the indirect compensation available through the Foundation's reconciliation projects. More information on compensation can be found in the settlement agreement which is available at www.boardinghomesclassaction.com / www.FoyersFamiliauxFederaux.com.

What are your legal rights and options?

1. Do nothing- – If you agree with the proposed settlement, you do not have to take any action now.
2. Show your support – If you agree with the proposed settlement and would like the court to consider your support, you must write to either of the lawyers listed below. You must write no later than **August 25, 2023**.
3. File an objection – If you disagree with the proposed settlement and would like the court to consider your objection, you must write to one of the law firms listed below. You must send your objection no later than **August 25, 2023**.
4. Participate in the hearing – If you would like to talk to the court in person or by video, you must write to one of the law firms listed below. You must send your request no later than **August 25, 2023**.
5. Watch the hearing – If you would like to watch the hearing, you can attend in Federal Court, 701 W Georgia St., Vancouver, BC, or use the attendee link (public) https://cas-satj.zoom.us/webinar/register/WN_cOzZSGfQ2-bgs_p3JB_KQ. The hearing will be on September 12, 13, and 14, 2023, starting at 9:30 am PST (later in time zones further east).

What if I do not want to participate in the class action?

If the Settlement Agreement is approved, you will be able to exclude yourself (“opt-out”) if you do not want to receive compensation under the settlement and wish to keep your right to bring your own lawsuit regarding your participation in the Boarding Homes Program. To exclude yourself, you must submit an Opt Out form before expiry of the Opt Out period. To submit an opt out, please visit www.boardinghomesclassaction.com / www.FoyersFamiliauxFederaux.com to obtain an Opt Out form and submit the completed form to one of the law firms listed below. The Opt Out period will be set by the Court and will be at least sixty (60) days from the date on which the Court issues an order regarding approval of the settlement. .

Who are the lawyers for the class?

Klein Lawyers LLP 1385 W 8th Avenue #400	Dionne Schulze 507 Place d'Armes, Suite 502
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Vancouver, BC V6H 3V9 1-604-874-7171 ibhclassaction@callkleinlawyers.com	Montreal, QC H2Y 2W8 1-514-842-0748 percival@dionneschulze.ca
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How do I get more information?

If you want more information about your rights and options, information about the settlement and details about the settlement approval process in the Indian Boarding Homes Class Action, and see the settlement agreement, please visit the following website at www.boardinghomesclassaction.com / www.FoyersFamiliauxFederaux.com.

This notice has been authorized by the Federal Court of Canada

Schedule B

Notice of Certification and Settlement Approval Hearing (Long Form)

Indian Boarding Homes Class Action

Were you placed by the Government of Canada in a private home for the purpose of attending school? If yes, please read this notice carefully because it affects your legal rights.

- On June 28, 2019, the Federal Court certified the Indian Boarding Homes lawsuit as a class proceeding.
 - On December 7, 2022, the parties reached an Agreement in Principle to settle the case.
 - On September 12, 13, and 14, 2023, the Federal Court will hold a Settlement Approval Hearing. The Court will consider whether the settlement is fair, reasonable, and in the best interest of the class.
-

What are my legal rights and options?

6. Do nothing – If you agree with the proposed settlement, you do not have to take any action now.
 7. Show your support – If you agree with the proposed settlement and would like the court to consider your support, you must write to either of the lawyers listed below. You must send your statement of support no later than **August 25, 2023**.
 8. File an objection – If you disagree with the proposed settlement and would like the court to consider your objection, you must write to one of the law firms listed below. You must send your objection no later than **August 25, 2023**.
 9. Participate in the hearing – If you would like to speak in court, either in person or by video, you must write one of the law firms listed below. You must send your request to participate no later than **August 25, 2023**.
 10. Watch the hearing – If you would like to watch the hearing, you can attend in Federal Court, 701 W. Georgia St., Vancouver, BC, or use the attendee video link (public) https://cas-satj.zoom.us/webinar/register/WN_cOzZSGfQ2-bgs_p3JB_KQ . The hearing will be on September 12, 13, and 14, 2023, starting at 9:30 am PST (later in time zones further east).
-

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1. What is a class action?
2. What was the Indian Boarding Home Program?
3. What is the class action about?

4. Who is included in the proposed settlement?
5. What benefits does the proposed settlement provide?
6. How much will I get?
7. How do I receive a payment?
8. Who are the lawyers for the class?
9. How are the class action lawyers paid?
10. What if I do not want to participate in the class action?
11. How do I get more information?

1. What is a class action?

A class action is a lawsuit filed on behalf of multiple individuals with common claims. The individuals are called Class Members. Unless they exclude themselves, they are included in the lawsuit.

2. What was the Indian Boarding Home Program?

The Indian Boarding Home Program was an educational program in which the Government of Canada placed children from First Nations communities and Inuit villages in other communities (usually non-Indigenous) to stay with private families for the purpose of attending school. The program was part of Canada's policy of culturally assimilating Indigenous persons into mainstream Canadian society.

The Indian Boarding Home Program began during the 1950s as Canada began to end the Indian Residential Schools program. Canada continued to operate the Indian Boarding Home Program into the early 1990s.

3. What is the class action about?

The class action alleges that Canada's actions in creating, operating, and maintaining the Indian Boarding Home Program were wrong. These actions created an environment where children were abused, harassed, and suffered other harms. The prolonged absence from family and community also caused loss of culture, language, and community bonding. The class action alleges that Canada's conduct was negligent and in breach of its fiduciary duties owed to Indigenous persons. Class Members have suffered serious and lasting harms as a result.

4. Who is included in the proposed settlement?

The classes are defined as:

a) Primary Class	Individuals who were placed in private homes, during the period of September 1, 1951 and June 30, 1992, for the purpose of attending school, not including placements for post-secondary education. Individuals placed after June 30, 1992, are also included if Canada was responsible for their placement.
b) Family Class	Members of the individual's family who lost the guidance, care,

	or companionship they could expect from the individual.
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An individual who was placed in a private home without government involvement is not included in this settlement; individuals who were placed by Indigenous governing bodies after June 30, 1992, are not included.

To be eligible for compensation, the Primary Class Member must have been alive on July 24, 2016.

5. What benefits does the proposed settlement provide?

The proposed settlement must be approved by the Federal Court before compensation will be available to class members. If approved, eligible Primary Class Members will receive compensation under two categories:

- Category 1 compensation is a single payment for each Eligible Primary Class Member – it will be paid to anyone who was in the Indian Boarding Homes Program.
- Category 2 compensation will be determined in accordance with a compensation grid – it will be based on the harms that an individual suffered.

You may apply for Category 1 compensation and make a separate application for Category 2 compensation. You may qualify for payment under both Category 1 and Category 2. You will not be entitled to receive more than one payment under Category 1 and one payment under Category 2.

If the settlement is approved by the Court, the deadline to submit applications will be specified in the Court order.

You may hire your own lawyer to help prepare your application for Category 2 compensation. In that case, Canada will pay the lawyer an amount equal to 5% (plus tax) of the Category 2 payment you receive.

A foundation will be created to support commemoration, healing, and preserving languages and culture. To support these reconciliation projects for the benefit of the class members, Canada will pay \$50 million to be administered by the Foundation.

Family Class Members will not receive direct compensation. Their claims will be recognized and addressed by the indirect compensation available through the Foundation's reconciliation projects.

6. How much will I get?

Every eligible Primary Class Member will be eligible for a Category 1 payment of \$10,000 for placement in the Boarding Home Program.

You may also apply for Category 2 compensation, with amounts to be paid based on the harm you suffered. The settlement agreement will define 5 levels of increasingly severe psychological, physical or sexual abuse, to be compensated at the following levels:

2A	\$10,000
2B	\$50,000
2C	\$100,000
2D	\$150,000
2E	\$200,000

You will be compensated for the most severe abuse you suffered.

7. How do I receive a payment?

If the Federal Court approves the settlement, you will need to submit an application form for each category of compensation. If your application for Category 1 compensation is approved, you will receive a Category 1 payment of \$10,000. If your application for a Category 2 compensation is approved, you will receive a payment based on the level of harm that you suffered.

The application process has not started, and you cannot request compensation at this time. Applications will be available if the Court approves the settlement.

8. Who are the lawyers for the class?

Class Counsel	Counsel for the Quebec Subclass
Klein Lawyers LLP 1385 W 8th Avenue #400 Vancouver, BC V6H 3V9 1-604-874-7171 ibhclassaction@callkleinlawyers.com	Dionne Schulze 507 Place d'Armes, Suite 502 Montreal, QC H2Y 2W8 1-514-842-0748 percival@dionneschulze.ca

9. How are the class action lawyers paid?

Canada has agreed to pay class counsel fees to Class Counsel and Quebec Subclass Counsel for their work on behalf of the class as a whole in an amount the Court approves as fair and reasonable. No part of the class counsel fee will be paid by class members and there will be no reduction in any amount payable to a class member to pay for class counsel fees.

10. What if I do not want to participate in the class action?

If the Settlement Agreement is approved, you will be able to exclude yourself (“opt-out”) if you do not want to receive compensation under the settlement and wish to keep your right to bring your own lawsuit regarding your participation in the Boarding Homes Program. To exclude yourself, you must submit an Opt Out form before expiry of the Opt Out period. To submit an opt out, please visit www.boardinghomesclassaction.com / www.FoyersFamiliauxFederaux.com to obtain an Opt Out form and submit the completed form to one of the law firms listed below.

The Opt Out Deadline will be set by the Court and will be at least sixty (60) days from the date on which the Court issues an order regarding approval of the settlement.

11. How do I get more information?

If you want more information about your rights and options, information about the settlement and details about the settlement approval process in the Indian Boarding Homes Class Action, and see the settlement agreement, please visit the following website at www.boardinghomesclassaction.com / www.FoyersFamiliauxFederaux.com

This notice has been authorized by the Federal Court of Canada

Schedule C

Overview

The purpose of this document is to detail the components of the Notice Plan (the “Plan”) that are recommended for the certification and settlement approval hearing phase of the Indian Boarding Homes Class Action.

Proposed Notice Plan Objective

The Plan aims to provide fair, reasonable, and adequate notice to Class Members.

For a notification campaign to be approved by the Federal Court, the Plan must be designed to reach Class Members without prejudice to region, gender, education, income or language. In addition, the Plan must raise class awareness of the proposed settlement and facilitate the general understanding of the court approval hearing process.

Target Audience Definition

By order of the Federal Court dated June 28, 2019, Justice Strickland certified the Indian Boarding Homes action as a class proceeding and defined the classes as follows:

- Primary Class means persons who were placed by the Government of Canada in private homes for the purpose of attending school, excluding placements made for the purpose of attending a post-secondary educational institution; and
- Family Class means all persons who have a derivative claim in accordance with applicable family law legislation arising from a family relationship with a member of the Primary Class.

The class period was subsequently established as September 1, 1951, through June 30, 1992.

Demographic statistics on the class population and particularly individuals who participated in the national Boarding Homes Program were not available during the preparation of the Plan. The parties have confirmed that the Program was national in scope, including all provinces and territories.

According to information shared by the Counsel group, we understand that payments for room and board were made to private homeowners who hosted Indigenous children under the program from 1951 up to and including 1992. Records suggest that program participants typically ranged from 7 to 18 years of age during its period of operation. Based on this information, the youngest participant of the program in 1992 (DOB 1985) would be 38 years old in 2023, and the oldest participant in 1951 (DOB 1933) would be 90 years old in 2023. As such, the class population in 2023 would range from 38 to 90 years of age.

The Plan involves communications activities selected to reach potential Class Members while fulfilling the above objective. In the selection of appropriate media, the target audience for the Plan has been defined as individuals who are:

- Approximately 38 to 90 years of age;
- Women and men of Indigenous heritage;
- English-speaking and French-speaking; and
- Geographically located throughout all Canadian provinces and territories.

Communications Strategy

Given the breadth of jurisdictions in which the class population resides, the Plan will reach the target audience through the following components:

- A dedicated administration website;
- Direct mail to registered Class Members;
- Direct mail to First Nations band offices and AFN head office;
- Published notices in Indigenous print and digital media;
- Online advertisements in social media; and
- A press release.

Summary of Legal Notices

Notice will be available to the class population in English and French in the following formats:

- Long Form Notice;
- Short Form Notice;
- Paid Notice; and
- Banner advertisement.

Media Selection Rationale

Website Content

A bilingual website will be developed and hosted at www.boardinghomesclassaction.com to provide potential Class Members with 24-hour online access to information about the proposed settlement. Specifically, electronic copies of all relevant court documents, including a Long Form Notice, a Short Form Notice, an Opt-Out Form, and essential filing deadlines, will be prominently displayed on the administration website.

Additional web-based communications will be accessible via the websites of both Class Counsel (www.callkleinlawyers.com/class-actions/indian-boarding-homes-class-action/) and Counsel for the Quebec Subclass (www.dionneschulze.ca/class-action/placement-in-boarding-homes-by-the-government-of-canada/).

Direct Mailing

Before this phase of the Indian Boarding Homes Class Action, Class Counsel and Counsel for the Quebec Subclass compiled lists of potential Class Members by inviting affected individuals to self-identify themselves and register for periodic updates. As a result, approximately 1,400 potential Class Members have registered with Counsel and will be sent a Short Form Notice in either English or French via email or mail.

Community Outreach

To ensure that notice is broadly distributed throughout the Indigenous community, a mailing effort will be undertaken to notify (i) First Nations band offices across Canada, (ii) head offices of the Assembly of First Nations, (iii) Inuit villages, (iv) Inuit land claim organizations, (v) Inuit Tapiriit Kanatami head office, and (vi) Friendship Centres. The mailing effort will include a Short Form Notice to advise potential Class Members of the proposed settlement and encourage them to visit the dedicated website (www.boardinghomesclassaction.com) or contact either Class Counsel or Counsel for the Quebec Subclass for further information regarding their legal rights.

Indigenous Media

Indigenous media print publications and their respective digital channels will be used to reach the target audience across Canada. A paid Notice will be placed in Indigenous media publications and digital channels on the day each has the highest readership. The Notice will instruct potential Class Members to access the dedicated website (www.boardinghomesclassaction.com) for details regarding the proposed settlement.

Indigenous media publications have been selected as they can provide broad reach of the target audience defined above and provide targeted regional coverage.

The Indigenous media publications proposed include the following:

Media Publication	Frequency	Type
Turtle Island News	Weekly	Print and Digital
Alberta Native News	Monthly	Print and Digital
Ha-Shilth-Sa	Biweekly	Print and Digital
Nunavut News North	Weekly	Print and Digital
Nunatsiaq News	Weekly	Print and Digital
NWT News North	Weekly	Print and Digital
Mi'kmaq-Maliseet	Monthly	Print and Digital
Wawatay News	Monthly	Print and Digital
Sioux Lookout Bulletin	Bimonthly	Print and Digital
Eagle Feather News	Monthly	Print and Digital
Inuktitut Magazine	Biannual	Magazine
Salish Sea Sentinel	Bimonthly	Print and Digital
Windspeaker	Weekly	Digital
Ku'ku'kwes News	Monthly	Digital
Anishinabek News	Biannual	Print and Digital
APTN National News	Weekly	Digital
NationTalk	Weekly	Digital
Grassroots News	Biweekly	Print and Digital
The Nation Magazine	Biweekly	Magazine
CBC North Cree Unit	Weekly	Digital
James Bay Cree (JBCCS)	Continuous	Radio
Taqramiut Nipingat Inc.	Continuous	Radio
Atikamekw-Montagnais (SOCAM)	Continuous	Radio
First Nations Drum	TBD	Digital

Social Media

According to information provided by Counsel, the target audience is heavy users of social media and other forms of online content. For this reason, an online advertising campaign will be deployed across Facebook (Meta) and Google, targeting 3 million impressions over a multiweek period.

Press Release

A press release will be distributed electronically using Canada Newswire - CSW Group - Cision Canada media outlet to reach national, regional and local print/broadcast media:

Canada Newswire operates Canada's most recognized newswire service. While Canada Newswire cannot guarantee publication in national, regional or local media, any publications resulting from exposure through the newswire will provide the target audience with further opportunities to become aware of the proposed settlement and to visit the website.

Schedule D

Opt Out Form

Indian Boarding Homes Class Action

This is NOT a claim form. Completing this OPT OUT FORM will prevent you from receiving any compensation or other benefits arising out of any settlement or judgment in the class proceeding named below.

Note: To opt out, this form must be properly completed and submitted to Class Counsel or to Counsel for the Quebec Subclass using the online opt out form at boardinghomesclassaction.com /www.FoyersFamiliauxFederaux.com or via email at optout@boardinghomesclassaction.com or mailed to the address below as soon as possible. The opt out deadline will be set by the Court and will be at least sixty (60) days from the date on which the Court issues an order regarding approval of the settlement.

Class Counsel	Counsel for the Quebec Subclass
Klein Lawyers LLP 1385 W 8th Avenue, Suite 400 Vancouver, BC V6H 3V9	Dionne Schulze, S.E.N.C. 507 Place d'Armes, Suite 502 Montreal, QC H2Y 2W8

Court File No.: T-1417-18

**REGINALD PERCIVAL, ALLAN MEDRICK MCKAY, IONA TEENA MCKAY AND
LORNA WATTS**

Plaintiffs

-and-

HIS MAJESTY THE KING

Defendant

I understand that by opting out on this form, I am confirming that I do not wish to participate in this class action.

I understand that the certification of this class proceeding suspended the running of the limitation period from the time the class proceeding was filed. The limitation period will resume running against me if I opt out of this class proceeding.

- Contact Information**

First Name

Last Name

Street Address

City/Municipality

Province/Territory

Postal Code

--	--

Telephone Number

Email Address

--	--

Reasons for opting out (optional):

--

-

• **Signature**

Date

--	--

Name of Class Member

--	--

Signature of Class Member Opting Out

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• **Privacy Statement**

Personal information regarding the Opt Out process is collected, used, and retained by the Administrator pursuant to privacy principles:

- For the purpose of administering the Indian Boarding Homes Class Action; and,
- To notify the Court and the parties that the individual has excluded themselves from the class action.