

## **SCHOOLS**

**114.** (1) The Governor in Council may authorize the Minister, in accordance with this Act, to enter into agreements on behalf of Her Majesty for the education in accordance with this Act of Indian children, with

- (a) the government of a province;
- (b) the Commissioner of the Yukon Territory;
- (c) the Commissioner of the Northwest Territories;
- (d) a public or separate school board; and
- (e) a religious or charitable organization.

(2) The Minister may, in accordance with this Act, establish, operate and maintain schools for Indian children.

**115.** 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.

**116.** (1) Subject to section 117, every Indian child who has attained the age of seven years shall attend school.

(2) The Minister may

- (a) require 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.

**117.** An Indian child is not required to attend school if the child

- (a) is, by reason of sickness or other unavoidable cause that is reported promptly to the principal, unable to attend school;
- (b) is, with the permission in writing of the superintendent, absent from school for a period not exceeding six weeks in each term for the purpose of assisting in husbandry or urgent and necessary household duties;
- (c) is under efficient instruction at home or elsewhere, within one year after the written approval by the Minister of such instruction; or

(d) is unable to attend school because there is insufficient accommodation in the school that the child is entitled or directed to attend.

**118.** Every Indian child who is required to attend school shall attend such school as the Minister may designate, but no child whose parent is a Protestant shall be assigned to a school conducted under Roman Catholic auspices and no child whose parent is a Roman Catholic shall be assigned to a school conducted under Protestant auspices, except by written direction of the parent.

**119.** (1) The Minister may appoint persons, to be called truant officers, to enforce the attendance of Indian children at school, and for that purpose a truant officer has the powers of a peace officer.

(2) Without restricting the generality of subsection (1), a truant officer may, subject to subsection (2.1),

- (a) enter any place where he believes, on reasonable grounds, that there are Indian children who are between the ages of seven and sixteen years, or who are required by the Minister to attend school;
- (b) investigate any case of truancy; and
- (c) serve written notice on the parent, guardian or other person having the care or legal custody of a child to cause the child to attend school regularly thereafter.

(2.1) Where any place referred to in paragraph (2)(a) is a dwellinghouse, a truant officer may not enter that dwellinghouse without the consent of the occupant except under the authority of a warrant issued under subsection (2.2).

(2.2) Where on *ex parte* application a justice of the peace is satisfied by information on oath

- (a) that the conditions for entry described in paragraph (2)(a) exist in relation to a dwellinghouse,
- (b) that entry to the dwellinghouse is necessary for any purpose relating to the administration or enforcement of this Act, and
- (c) that entry to the dwellinghouse has been refused or that there are reasonable grounds for believing that entry thereto will be refused,

the justice of the peace may issue a warrant under his hand authorizing the truant officer named therein to enter that dwellinghouse subject to such conditions as may be specified in the warrant.

(2.3) In executing a warrant issued under subsection (2.2), the truant officer named therein shall not use force unless he is accompanied by a peace officer and the use of force has been specifically authorized in the warrant.

(3) Where a notice has been served in accordance with paragraph (2)(c) with respect to a child who is required by this Act to attend school and the child does not within three days after the service of notice attend school and continue to attend school regularly thereafter, the person on whom the notice was served is guilty of an offence and liable

on summary conviction to a fine not exceeding five dollars or to imprisonment for a term not exceeding ten days or to both.

(4) Where a person has been served with a notice in accordance with paragraph (2)(c), it is not necessary within a period of twelve months thereafter to serve that person with any other notice in respect of further non-compliance with this Act, and whenever that person within the period of twelve months fails to cause the child with respect to whom the notice was served or any other child of whom he has charge or control to attend school and continue in regular attendance as required by this Act, that person is guilty of an offence and liable to the punishment imposed by subsection (3) as if he had been served with the notice.

(5) A child who is habitually late for school shall be deemed to be absent from school.

(6) A truant officer may take into custody a child whom he believes on reasonable grounds to be absent from school contrary to this Act and may convey the child to school, using as much force as the circumstances require.

**120.** (1) Where the majority of the members of a band belong to one religious denomination, the school established on the reserve that has been set apart for the use and benefit of that band shall be taught by a teacher of that denomination.

(2) Where the majority of the members of a band are not members of the same religious denomination and the band by a majority vote of those electors of the band who were present at a meeting called for the purpose requests that day schools on the reserve should be taught by a teacher belonging to a particular religious denomination, the school on that reserve shall be taught by a teacher of that denomination.

**121.** A Protestant or Roman Catholic minority of any band may, with the approval of and under regulations to be made by the Minister, have a separate day school or day school classroom established on the reserve unless, in the opinion of the Governor in Council, the number of children of school age does not so warrant.

**122.** In sections 114 to 121,

"child" means an Indian who has attained the age of six years but has not attained the age of sixteen years, and a person who is required by the Minister to attend school;

"school" includes a day school, technical school, high school and residential school;

"truant officer" includes

- (a) a member of the Royal Canadian Mounted Police,
- (b) a special constable appointed for police duty on a reserve, and
- (c) a school teacher and a chief of the band, when authorized by the superintendent