SECTION 11

Education

11.1 Education services for the Naskapis of Québec shall be assured by the establishment of a school (hereinafter referred to as the "Naskapi school"), to serve the needs of the Naskapis of Québec residing on Category IA-N lands in the manner provided in this section.

With respect to children residing on Category IA-N lands who are not Naskapis of Québec, le ministre de l'Éducation du Québec shall take appropriate measures to provide education for them in the Naskapi school or in another school.

11.2 The general administration of the Naskapi school shall be carried out by la Commission scolaire régionale Eastern Québec (hereinafter referred to as the "Regional School Board").

11.3 Québec may, at any time, by order-in-council, designate another school board to assume, with respect to the Naskapi school, the responsibilities assigned by this section to the Regional School Board.

11.4 The Education Act (R.S.Q. 1964, c. 235) and its regulations and all other applicable Québec laws and regulations of general application, as amended from time to time, shall apply to the Naskapis of Québec, save where these laws and regulations are inconsistent with this section, in which event the provisions of this section shall prevail.

11.5 Upon the Naskapis of Québec establishing their permanent residence on Category IA-N lands pursuant to section 20, a Naskapi Education Committee shall be established (hereinafter referred to as the "Committee").

11.5.1 The Committee shall be composed of five (5) members, of whom four (4) shall be elected, and of whom one (1) shall be appointed by the Naskapi Native party.

11.5.2 The qualifications for being eligible to vote for and to hold office as a member of the Committee shall be:

11.5.2.1) to be a resident of the Naskapi community recognized by Québec pursuant to section 20;

11.5.2.2) to be 18 years of age, or over;

11.5.2.3) not to be affected by legal incapacity;

11.5.2.4) to be eligible pursuant to section 3.

11.5.3 The members of the Committee shall be elected or appointed, as the case may be, for a term of two (2) years. Two (2) of the first members elected or appointed shall serve for one (1) year with the first Committee members having such abbreviated terms of office being chosen by the drawing of lots at the first meeting of the Committee.

11.5.4 If, during his term of office, the member of the Committee appointed by the Naskapi Native party dies, becomes incapacitated, resigns or loses any of the qualifications for office specified in paragraph 11.5.2, the Naskapi Native party will appoint a successor for the unexpired portion of the term of office.

11.5.5 If, during his term of office an elected member dies, becomes incapacitated, resigns or loses any of the qualifications for office specified in paragraph 11.5.2, the remaining members of the Committee shall, within sixty (60) days, appoint a successor for the unexpired portion of the term of office, failing which le ministre de l'Éducation du Québec may effect said appointment.

11.5.6 The election of members to the Committee shall be in accordance with the customs and usages of the Naskapis of Québec and shall be supervised by the Naskapi Native party. The Naskapi Native party shall determine the date for the first election.

11.6 Upon the approval of the present Agreement, the Naskapi Native party shall appoint five (5) Naskapis to a provisional Naskapi Education Committee (hereinafter referred to as the "provisional committee"). The Naskapi Native party may from time to time replace any such appointee. The provisional committee shall cease to exist when the Naskapis of Québec have established their permanent residence on Category IA-N lands. For the purposes of this section, the provisional committee shall have the following duties and exercise the following powers, subject to budgetary restrictions:

11.6.1 to appoint a provisional Naskapi Education Coordinator who shall act as secretary to the provisional committee and as liaison officer between the provisional committee and the educational institutions involved in the education of Naskapis, and who shall fulfil such other duties as may be assigned to him by the provisional committee, particularly with regard to the preparation for implementing the provisions of this section. The salary of the provisional Naskapi Education Coordinator shall be in accordance with the administrative and salary policy of le ministère de l'Éducation du Québec. The salary of the provisional Naskapi Education Coordinator and his expenses approved by le ministère de l'Éducation du Québec shall be provided by Québec and shall be borne by Canada and Québec in the proportions indicated in subsection 11.24;

11.6.2 to collaborate with le ministre de l'Éducation du Québec as provided in subsection 11.11.

11.7 The Committee shall appoint, subject to approval as to professional qualifications by le ministre de l'Éducation du Québec, a Naskapi Education Coordinator.

11.7.1 The Naskapi Education Coordinator shall be the Principal of the Naskapi school.

11.7.2 The Naskapi Education Coordinator shall be Secretary and Administrative Officer of the Committee and as such shall be responsible to the Committee, implement the plans and policies of the Committee, and shall act as liaison officer for the Committee with the Regional School Board and le ministère de l'Éducation du Québec.

11.8 The Committee shall perform with respect to the Naskapi school the consultative functions assigned to school committees by the Education Act. Its chairman shall be entitled to sit on the parents' committee of the Regional School Board. In addition, the Committee shall have the following duties, and exercise the following powers, with respect to the Naskapi school, subject to budgetary restrictions:

11.8.1 to determine the school calendar of the Naskapi school, subject to the total number of school days per year required by laws and regulations;

11.8.2 to develop the content of courses designed to preserve the Naskapi language and culture;

11.8.3 to determine the number of years of secondary school instruction to be offered at the Naskapi school, provided that courses beyond the Secondary II level shall be offered only with the written approval of le ministre de l'Éducation du Québec;

11.8.4 to participate in the selection procedure and to make recommendations in regard to the engagement, re-engagement and transfer of personnel attached to the Naskapi school, including teachers, non-teaching professionals and support staff, subject to the salary policy and collective agreements in force for schools under the jurisdiction of the Regional School Board;

11.8.5 to recommend to the Regional School Board policies for the placing in other secondary schools of Naskapi students residing on Category IA-N lands, particularly with regard to the choice of schools and traveling and boarding policies for Naskapi students obliged to attend schools outside the Naskapi community contemplated by section 20;

11.8.6 to determine annually the date when the election of members of the Committee shall take place;

11.8.7 and, subject to the approval of le ministre de l'Éducation du Québec and after consultation with the Regional School Board:

11.8.7.1) to initiate projects for the development of programs, textbooks and teaching materials appropriate for the Naskapis of Québec;

11.8.7.2) to propose the introduction of new content of courses on an experimental or permanent basis;

11.8.7.3) to determine the number of teachers required in the Naskapi school;

11.8.7.4) to determine the use of standardized tests.

11.9 Subject to budgetary provisions herein provided, which shall apply with respect to all provisions of this section, the Naskapi school shall be built by the Regional School Board on a site on Category IA-N lands proposed by the Naskapi local authority and acceptable to Québec. This site shall be allocated to Québec for a nominal sum. The Naskapis shall participate in the planning of the Naskapi school and such planning, subject to the approval of le ministre de l'Éducation du Québec, shall take into account the special needs of Naskapi students, the most recent population forecast for naskapis and the provisions of this section.

11.10 The Naskapi school shall be built only after the present Agreement has come into force and after the permanent residence of the Naskapis of Québec for the purposes of the present Agreement has been determined in accordance with the provisions of section 20 and after the number of Naskapis of Québec who will reside on Category IA-N lands has been determined in a manner satisfactory to le ministre de l'Éducation du Québec.

11.11 Subject to subsection 11.24, pending the building of the Naskapi school, le ministre de l'Éducation du Québec will study with the provisional committee the provision for the Naskapis of temporary education facilities and services in Schefferville, and Québec will incur capital expenditures only for those

facilities and services that, in the opinion of the minister, will serve a useful purpose once the Naskapi school has been built.

11.12 The provisional committee shall submit recommendations for the proper organization and operation of any such temporary facilities and shall perform such functions assigned to it by le ministre de l'Éducation du Québec.

11.13 The Naskapi school shall offer programs at the kindergarten and elementary levels, and, subject to obtaining budgetary approval from le ministre de l'Éducation du Québec, such secondary education levels as may be determined by the Committee in accordance with paragraph 11.8.3, for the children of all Naskapis of Québec residing on Category IA-N lands. Pre-kindergarten programs may also be offered subject to Québec regulations with respect thereto.

11.14 The Naskapi school will offer, as required, and according to the policies in effect of le ministère de l'Éducation du Québec, special courses to Naskapi adults residing on Category IA-N lands as well as special remedial programs for Naskapi children who have not completed their secondary education.

11.15 The budget of the Naskapi school shall be prepared annually by the Committee. It shall then be submitted for approval to le ministre de l'Éducation du Québec prior to its incorporation in the global budget of the Regional School Board. The said annual budget shall include:

11.15.1 the Naskapi school's share of the administrative costs of the Regional School Board;

11.15.2 all costs for administration, instruction, student services, auxiliary services, transportation, building repair and maintenance and debt service directly connected with the operation of the Naskapi school;

11.15.3 the cost of an adult education program for Naskapis residing on Category IA-N lands;

11.15.4 the cost of training programs for teachers in service and any other training programs organized specifically for the Naskapi school;

11.15.5 the cost of tuition fees, boarding and traveling allowances for Naskapi secondary students residing on Category IA-N lands placed, by the Regional School Board, for study in schools which as a result of their location make it necessary for said students to live outside of Category IA-N lands;

11.15.6 the cost of maintaining for Naskapis of Québec residing on Category IA-N lands the post-secondary education services and benefits available to the Naskapis of Québec on the date of the approval of the present Agreement;

11.15.7 the net cost (total cost less rental revenue) of residences provided for under subsection 11.16;

11.15.8 the remuneration payable to members of the Committee equal to the amounts payable to trustees of corporations of trustees having from 250 to 500 pupils;

11.15.9 the salary and expenses of the Naskapi Education Coordinator in accordance with the administrative and salary policies of le ministère de l'Éducation du Québec;

11.15.10 the cost of necessary translation services.

11.16 Residences shall be provided by the Regional School Board for the Naskapi Education Coordinator and for teachers at the Naskapi school if recruited from outside the Schefferville area. The Naskapi Education Coordinator and such teachers shall pay a rent which is fixed by the Regional School Board in accordance with the norms applying in the northern areas of Québec.

11.17 If qualified Naskapis are not available, le ministre de l'Éducation du Québec may authorize the engagement of Naskapis as teachers at the Naskapi school notwithstanding that such Naskapis might not possess the standard qualifications of le ministère de l'Éducation du Québec.

11.18 In consultation with the Committee, le ministre de l'Éducation du Québec will make available special courses and training programs to qualify Naskapis as teachers and for non-Naskapi teachers newly assigned to the Naskapi school. Whenever possible, such special courses and training programs will be conducted in the Naskapi school.

11.19 The teaching languages for the Naskapis of Québec attending the Naskapi school shall be Naskapi and the other teaching languages in use in the Naskapi community in the Territory on the date of the signing of the present Agreement. The Naskapis of Québec shall have as an objective the use of French as a teaching language so that pupils graduating from the Naskapi school will, in the future, be capable of continuing their studies in French in a school, college or university elsewhere in Québec, if they so desire. The Committee shall determine the rate of introduction of French and English as teaching languages.

11.20 Québec and Canada shall jointly ensure the continuation of existing educational services and programs presently available to the Naskapis of Québec, including:

11.20.1 allowances to students in accordance with established regulations;

11.20.2 "room and board" allowances for students;

11.20.3 living, tuition and transportation allowances for post-secondary students.

11.20A The services and programs referred to in subsection 11.20 shall be provided in accordance with terms and conditions to be determined by a committee composed of one (1) person appointed by le ministère de l'Éducation du Québec, one (1) person appointed by the Department of Indian Affairs and Northern Development and one (1) person appointed by the Committee.

11.21 Any Naskapi child who is certified by the Committee as maintaining or helping to maintain his family may be declared exempt by the Committee from compulsory school attendance at the Naskapi school for a part or the whole of any school year, and on such conditions as the Committee may specify.

11.22 The Regional School Board shall cause a copy of all public notices for school purposes to be delivered to the Committee. Public notices for the calling of a public meeting, or for any other object, relating to the Naskapi school shall be delivered at least ten (10) clear days before the day appointed for the meeting or other object, unless the delay is otherwise specified by law or by-law. The Committee shall cause such notices to be posted in the Naskapi community recognized by Québec in accordance to the provisions of section 20.

11.23 Every child attending the Naskapi school shall be entitled to receive moral and religious instruction in accordance with a program approved by a clergyman or priest serving the Naskapi community and by

the Protestant Committee or the Catholic Committee of the Superior Council of Education. Any child, upon request of his parents, for reasons of conscience, shall be exempted from such moral or religious instruction.

11.24 Based on annual budgets, providing for operating and capital costs, approved by Québec and Canada, each of the said governments shall contribute to the approved budget of the Naskapi school in the following proportions:

Québec: 25%

Canada: 75%

The capital cost of the Naskapi school and of any temporary facilities or equipment that may be provided for the Naskapis in accordance with subsection 11.11 will be borne by Québec and Canada in the proportions indicated above.

11.25 Canada shall continue to assume the following, within programs from time to time in effect:

11.25.1 the costs of adult education programs normally provided by Canada Manpower Programs;

11.25.2 the costs of services to Naskapis residing on a Reserve as defined by the Indian Act.

11.26 La Commission scolaire régionale Eastern Québec or any other school board assuming responsibility for the Naskapi school may not levy school taxes with respect to Category IA-N lands.

11.27 This section can be amended only with the consent of Québec and the Naskapi Native party, save for subsections 11.15, 11.20, 11.24 and 11.25 which in addition shall require the consent of Canada.

11.28 Legislation enacted to give effect to this section may be amended from time to time by l'Assemblée nationale.