

# Federal Indian Day School Class Action Settlement

Kó:ra Onkwehón:we enhnísera Ionterihwaienhstákhwa  
Ronwatihatonhserá:wi wahaterihwahserón:ni



March 2021

NEWSLETTER

Edition 2

## How did the class action lawsuit come about?



Between 1920 and 1988, approximately 200,000 Indigenous children across Canada were forced to attend Federal Indian Day Schools which were funded, managed, and controlled by the Federal Government of Canada. Day schools were excluded from the residential school settlement. Garry McLean and his lawyers, Gowling WLG, reached an out-of-court settlement with the federal government in late 2018.

Garry Mclean is a member of the Lake Manitoba First Nations, Garry to who served as the lead plaintiff since its inception. Mr. Mclean was an advocate for Federal Indian Day School survivors and their families. Mr. Garry Mclean passed away in 2019.

Their legal action was certified as a class proceeding by order of the Federal Court on June 21, 2018.

“I was legally required at the age of seven to attend Dog Creek Day School at Lake Manitoba First Nation from 1957 to 1965 as per the Indian Act. My experience at Dog Creek Day School involved, but was not limited to being subjected to emotional, mental, physical, and sexual abuse. I did not know how to speak English when I first started school. I was discouraged from speaking my native language, *Saulteaux*. If I spoke my native language in school, I was forced to kneel, face the corner of the classroom and repeat words which I later realized were prayers. I was forced to do this for lengthy periods of time as punishment and many times my mouth was washed with Sunlight soap. If I moved from the corner, I would be strapped. I was also repeatedly sexually abused by a nun while attending Dog Creek Day School.” *Source [www.indiandayschools.com](http://www.indiandayschools.com)*

**The Federal Indian Day School  
Claims process is open until  
July 13, 2022.**

**After the closing date, claims will  
be reviewed until February 2023.**

## Kahnawà:ke role and contribution to supporting Claimants

An Indian Day School Project Coordinator has been hired to provide direct assistance and support to all eligible Kahnawàkero:non claimants. Also,

1. To ensure the community is kept abreast of current developments in the claims process.
2. We are here to inform you about the settlement and your rights relating to it.
3. To coordinate public education of community and former students of the settlement agreement and associated subject matter.

## Indian Day School Assistance

The IDS Project Coordinator can assist you with completing the Indian Day School Application form, navigating the requesting information, Guarantor (to sign) reviewing for accuracy and/or if you need to resubmit (if you received a letter of missing information or level down determination ). Services also include scanning and forwarding your IDS application form by email and accompanying documentation to the IDS Class Action Claims Administrator.

For information on any matters relating to the Indian Day School Settlement, please contact Louise Mayo, the IDS Coordinator on behalf of the MCK, at 514-793-0662 or [louise.mayo@mck.ca](mailto:louise.mayo@mck.ca)

## If you attended a Federal Indian Day School in Kahnawà:ke between 1920 and 1988, you may be eligible

Compensation ranges from \$10,00.00 for verbal/physical abuse to a maximum of \$200,000.00 for repeated sexual abuse and/or physical assault leading to long-term injury. To be eligible for compensation, a person must have attended at least one of the Federal Indian Day Schools listed in Schedule K of the Settlement Agreement and suffered abuse or harm from teaching staff, officials, students and other third parties at the school. We strongly recommend Claimants carefully reflect and take the time to recall your school events and potential traumatic events before submitting your claim.

[www.Kahnawake.com/indiandayschool](http://www.Kahnawake.com/indiandayschool)



Income Tax concerns Employment Insurance, Pension, Social Assistance, and other benefits monetary payments made to claimants for the Indian Day School Settlement (IDSS) are not counted as income.

“The Government of Canada has committed to working with provincial and territorial governments and federal departments to ensure that any payment that Claimants receive will not affect the amount, nature, or duration of any social benefits. Similar efforts were successful with respect to the Indian Residential School Settlement payments and will continue to raise the issue with Canada.”

Check out the [www.Kahnawake.com/indiandayschool](http://www.Kahnawake.com/indiandayschool) for updated news on the Indian Day School settlement, copies of the application form and schedule K–Eligible Kahnawà:ke school list.

Estates of Day School survivors who passed away on or after July 31, 2007 will also be eligible to apply. \*  
\*According to Estate Law, estates can only make claims as far back as two years prior to filing of the action.  
The Indian Day School class action was filed in 2009 so the cutoff date is July 2007 for this case.

## Deceased Class Members

Legal representative/ Estate Executor or Administrator

While family members are not eligible to receive direct compensation, the representative of the estate (executor, administrator, or trustee) of a late Claimant who died on or after July 31, 2007 can file a claim on behalf of the deceased. Estate representatives can make a claim for any level on behalf of the deceased Claimant (Levels 1 to 5). If the deceased Claimant had no will (naming an executor), then a representative will need to be appointed. This process will depend on whether the deceased Claimant ordinarily resided on reserve or off reserve.

If a deceased class member has a will with 2 co-executors both individuals must complete the IDS application form.

Please note compensation will be issued in the estate of the deceased claimant. Appointed Executors or Administrators will be responsible to keep the claimants' bank account open or re-open a new account.

To become appointed as an Executor or Administrator for the estate of a deceased claimant that lived in Kahnawà:ke please contact INAC/CIRNAC at 450-638-1372

## Indian Day School claims are delayed when...

Over 90% of the time when a claim has allegedly exceeded the estimated timeline it is because there was an error on the Claim Form that had to be rectified.

**The following is a list of the top 5 deficiencies that lead to delays in the review process:**

- (1) Copy of ID is missing or unreadable; or the name on the ID does not match the name on the Claim Form
- (2) Address is incomplete; you must put your p.o. box.
- (3) School name and/or years of attendance (refer to the schedule K and the corresponding School location map)
- (4) Missing signatures and dates; and/or,
- (5) Level of harm has not been selected,
- (6) A Claim Form is filed twice (e.g., once by fax, email and once by mail) it also slows the process down and the IDS Claims Administrator must cross reference the forms to ensure they are in fact the same.



Free counselling and crisis intervention services  
available 24 hours a day, 7 days a week 1-855-242-3310  
[www.hopeforwellness.ca](http://www.hopeforwellness.ca)

Kahnawà:ke Shakotia'takehnhas Community Services 450-632-6880



Free legal assistance is available from Class Counsel, Gowling WLG at  
1-844-539-3815  
[dayschools@gowlingwlg.com](mailto:dayschools@gowlingwlg.com)

## Eligible Kahnawà:ke Schools List

School name to be used in form ↓	Name Variants	Locally known Names (for reference only)	Opening Date	Closing or Transfer Date	Location	Religious Affiliation
<b>Caughnawaga - Bush</b>	Sacred Heart Bush School	Bush School (Mohawk Trail Area)	July 1, 1906	June 30, 1946	Three miles from the village of Caughnawaga, now Kahnawà:ke, in the farming section towards the southeast end of the reserve <b>#10</b>	Roman Catholic
<b>Caughnawaga - St. Isidore</b>	Caughnawaga St. Isidore Road	Bush school (207)	September 1, 1911	September 1, 1949	Located at the farming community in the western portion of the Caughnawaga (now Kahnawà:ke) <b>#9</b>	Roman Catholic
<b>Caughnawaga Continuation</b>	Caughnawaga Senior		September 1, 1920	September 1, 1924	Was located in front of Catholic Church <b>#3</b>	Roman Catholic
<b>Caughnawaga</b>	Caughnawaga - Mission	Protestant (now KOR)	February 18, 1924	June 30, 1969	Current library OMH Cemetery Road red brick building (torn down) <b>#6A</b> <b>#6B</b>	Methodist United Church
<b>Caughnawaga - Boys</b>			1868	September 1, 1924	Was located in front of Catholic Church <b>#1</b>	Roman Catholic
<b>Caughnawaga - Girls</b>			1891	September 1, 1924	Was located in front of Catholic Church <b>#2</b>	Roman Catholic
<b>Caughnawaga - R.C.</b>	Kateri School (girls section) Eastern School (boys section)	Kateri Tekakwitha school, Tekakwitha school	September 1, 1924	August 31, 1969	Same school - name change after August 31, 1969 <b>#4</b>	Roman Catholic
<b>Karonhianonha</b>	Karonianona	Up the hill school/school up the hill	September 1, 1966	September 1, 1988	Caughnawaga Reserve No. 14 <b>#8</b>	Roman Catholic
<b>Kateri</b>			September 1, 1969	September 1, 1988	Village of Caughnawaga Caughnawaga Reserve No. 14 (now Kahnawà:ke) <b>#5</b>	Roman Catholic
<b>Kawennanoron</b>			September 1, 1969	September 1, 1988	Caughnawaga Reserve No. 14 (now Kahnawà:ke) <b>#7</b>	Anglican Church

## Indian Day School Location Map

