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Education Act

ONTARIO REGULATION 462/97 FIRST NATIONS REPRESENTATION ON BOARDS

Consolidation Period: From September 1, 2019 to the [e-Laws currency date](#).

Last amendment: 262/19.

Legislative History: 190/09, 262/19.

This is the English version of a bilingual regulation.

First Nations representation on boards

1. (1) Subject to subsection (4), a council of a band or councils of bands may name one person to represent, on a board, the interests of pupils who belong to the band or bands if,

- (a) under subsection 188 (1) of the Act, the board has admitted pupils who belong to the band or bands; or
- (b) under section 188 of the Act, the board has entered into one or more agreements to provide instruction to pupils who belong to the band or bands, including one or more agreements entered into before September 1, 2019. O. Reg. 262/19, s. 1 (1).

(2) Where a person is named under subsection (1), the board shall, subject to subsection (5), appoint the person as a member of the board. O. Reg. 462/97, s. 1 (2); O. Reg. 262/19, s. 1 (2).

(3) The member appointed under subsection (2) shall be deemed to be an elected member of the board. O. Reg. 190/09, s. 2.

(4) If the number of pupils referred to in clauses (1) (a) and (b) who are enrolled in schools operated by the board or in schools to which the board provides instruction exceeds 25 per cent of the average daily enrolment in the schools of the board, two persons may be named under subsection (1) and subsections (2) and (3) apply with necessary modifications in respect of the two persons. O. Reg. 262/19, s. 1 (3).

(5) The appointment under subsection (2) may be made at the discretion of the board if the number of pupils referred to in clauses (1) (a) and (b) who are enrolled in schools operated by the board or in schools to which the board provides instruction is fewer than the lesser of 10 per cent of the average daily enrolment in the schools of the board and 100. O. Reg. 262/19, s. 1 (3).

(6) REVOKED: O. Reg. 262/19, s. 1 (3).

(7) If the enrolment of the pupils referred to in clause (1) (a) or (b) is, in respect of elementary school pupils only or secondary school pupils only, the enrolment referred to in subsections (4) and (5) shall be that of elementary school pupils only or secondary school pupils only, as the case may be. O. Reg. 462/97, s. 1 (7); O. Reg. 262/19, s. 1 (4).

(8) The term of office of a member appointed under this section terminates on the same date as the term of office of the elected members. O. Reg. 462/97, s. 1 (8).

(9) Where a regulation made under clause 67 (2) (a) of the Act provides for the appointment of one or more members to represent on the board the interests of pupils referred to in clause (1) (a) or (b), this section does not apply. O. Reg. 462/97, s. 1 (9); O. Reg. 262/19, s. 1 (5).

(10) Where the office of a member of a board appointed under this section becomes vacant for any reason, it shall be filled in accordance with this section and the person so appointed shall hold office for the remainder of the term of his or her predecessor. O. Reg. 462/97, s. 1 (10).

2. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 462/97, s. 2.

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