

OPERATIONAL BY-LAWS

APPENDIX

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Français

Education Act

ONTARIO REGULATION 462/97

FIRST NATIONS REPRESENTATION ON BOARDS

Consolidation Period: From May 13, 2009 to the e-Laws currency date.

Last amendment: O. Reg. 190/09.

This is the English version of a bilingual regulation.

1. (1) Where a board has entered into one or more agreements under section 188 of the Act, the council of the band, or the councils of the bands, to which the Indian pupils who are, under the agreement or agreements, enrolled in the schools operated by the board or in the schools in which the board provides all the instruction, belong, may, subject to subsection (4), name one person to represent on the board the interests of the Indian pupils. O. Reg. 462/97, s. 1 (1).

(2) Where a person is named under subsection (1), the board shall, subject to subsection (5), appoint the person a member of the board. O. Reg. 462/97, 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) Where the number of Indian pupils enrolled in the schools under the jurisdiction of a board under one or more agreements made under this section 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 (1) to (3) apply with necessary modifications in respect of the two persons. O. Reg. 462/97, s. 1 (4).

(5) Where the number of Indian pupils enrolled in the schools under the jurisdiction of the board under one or more agreements made under this section is fewer than the lesser of 10 per cent of the average daily enrolment in the schools of the board and 100, the appointment under subsection (2) may be made at the discretion of the board. O. Reg. 462/97, s. 1 (5).

(6) For the purpose of determining the number of Indian pupils enrolled in the schools under the jurisdiction of a board referred to in subsection (4) or (5), the number of Indian pupils in Indian schools in which the board provides all the instruction shall be included. O. Reg. 462/97, s. 1 (6).

(7) Where the agreement is, or the agreements are, 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).

(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 Indian pupils, this section does not apply. O. Reg. 462/97, s. 1 (9).

(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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