

## **Appendix 1: Regulation 464/97**

### **Education Act**

### **ONTARIO REGULATION 464/97**

#### *No Amendments*

### **SPECIAL EDUCATION ADVISORY COMMITTEES**

*This is the English version of a bilingual regulation.*

**1.** In this Regulation,

"local association" means an association or organization of parents that operates locally within the area of jurisdiction of a board and that is affiliated with an association or organization that is not an association or organization of professional educators but that is incorporated and operates throughout Ontario to further the interests and well-being of one or more groups of exceptional children or adults. O. Reg. 464/97, s. 1.

**2. (1)** Every district school board shall establish a special education advisory committee that shall consist of,

- (a) subject to subsections (2) and (3), one representative from each of the local associations that operates locally within the area of jurisdiction of the board, as nominated by the local association and appointed by the board;
- (b) one alternate for each representative appointed under clause (a), as nominated by the local association and appointed by the board;
- (c) such number of members from among the board's own members as is determined under subsection (4), as appointed by the board;
- (d) where the number of members appointed under clause (c) is less than three, one alternate, as appointed by the board from among its own members, for each member appointed under clause (c);
- (e) one or two persons to represent the interests of Indian pupils, as provided by section 4; and
- (f) one or more additional members appointed under subsection (5).

**(2)** The board shall not appoint more than 12 representatives under clause (1) (a).

**(3)** Where there are more than 12 local associations within the area of jurisdiction of the board, the board shall select the 12 local associations that shall be represented.

**(4)** The number to be appointed by the board under clause (1) (c) shall be the lesser of,

- (a) three; and
- (b) 25 per cent of the total number of members of the board, rounded down to the nearest whole number.

(5) For the purposes of clause (1) (f), the board may appoint one or more additional members who are neither representatives of a local association nor members of the board or another committee of the board. O. Reg. 464/97, s. 2.

3. (1) Every school authority, other than a board established under section 68 of the Act, shall establish a special education advisory committee that shall consist of,

- (a) two representatives from the local associations that operate locally within the area of jurisdiction of the board, as nominated by the local associations and appointed by the board;
- (b) one alternate for each representative appointed under clause (a), as nominated by the local associations and appointed by the board;
- (c) one member from among the board's own members, as appointed by the board;
- (d) one alternate, as appointed by the board from among its own members, for the member appointed under clause (c); and
- (e) one or two persons to represent the interests of Indian pupils, as provided by section 4.

(2) Where no local association or associations have been established, instead of the members and alternates required by clauses (1) (a) and (b), the board shall appoint two members and two alternates who are not members of the board. O. Reg. 464/97, s. 3.

4. (1) Where a board has one member appointed in accordance with a regulation made under section 188 of the Act, the special education advisory committee shall include one person appointed to represent the interests of Indian pupils.

(2) Where a board has more than one member appointed in accordance with a regulation made under section 188 of the Act, the special education advisory committee shall include two persons appointed to represent the interests of Indian pupils.

(3) One alternate shall be appointed for each person appointed in accordance with subsection (1) or (2).

(4) The representatives and alternates shall be nominated by the councils of the bands with which the board has entered into agreements under section 188 of the Act.

(5) The board shall appoint the persons nominated under subsection (4). O. Reg. 464/97, s. 4.

5. (1) A person is not qualified to be nominated or appointed under section 2 or 3 to a special education advisory committee of a board unless the person is qualified to vote for members of that board and is resident in its area of jurisdiction.

(2) Subsection (1) does not apply in respect of persons appointed under section 4.

(3) A person is not qualified to be nominated or appointed under section 2, 3 or 4 if the person is employed by the board. O. Reg. 464/97, s. 5.

6. Subject to section 7, each of the persons appointed to a special education advisory committee of a board shall hold office during the term of office of the members of the board and until a new board is organized. O. Reg. 464/97, s. 6.

7. (1) A member of a special education advisory committee vacates his or her seat if he or she,

- (a) is convicted of an indictable offence;
- (b) absents himself or herself without being authorized by resolution entered in the minutes from three consecutive regular meetings of the committee; or
- (c) ceases to hold the qualifications to be appointed to the committee.

(2) An alternate for a member of a special education advisory committee vacates his or her position if he or she,

- (a) is convicted of an indictable offence;
- (b) absents himself or herself without being authorized by resolution entered in the minutes from three consecutive regular meetings of the committee in respect of which the alternate received a notice under subsection 9 (9); or
- (c) ceases to hold the qualifications to be appointed as an alternate.

(3) Where a seat or position becomes vacant under this section, section 8 applies with respect to filling the vacancy.

(4) Despite subsection (3), where a member of the committee or an alternate for a member of a committee is convicted of an indictable offence, the vacancy or position shall not be filled until the time for taking any appeal that may be taken from the conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction the seat or position shall be deemed not to have been vacated. O. Reg. 464/97, s. 7.

8. (1) If a seat or position on a special education advisory committee becomes vacant, the board that appointed the person whose seat or position has become vacant shall appoint a qualified person to fill the vacancy for the remainder of the term of the person whose seat or position has become vacant.

(2) The nomination requirements of sections 2, 3 and 4 apply with respect to appointments under this section.

(3) Where a seat of a member of the committee is vacant and has not yet been filled, the alternate for the member, if there is an alternate, shall act in the member's place for all purposes of this Regulation. O. Reg. 464/97, s. 8.

9. (1) A majority of the members of a special education advisory committee is a quorum, and a vote of a majority of the members present at a meeting is necessary to bind the committee.

(2) Every member present at a meeting, or his or her alternate when attending the meeting in his or her place, is entitled to one vote.

(3) The members of the committee shall, at their first meeting, elect one of their members as chair and one of their members as vice-chair.

(4) The vice-chair shall assist the chair and shall act for the chair at meetings in his or her absence.

(5) The chair or, in the absence of the chair, the vice-chair, shall preside at meetings.

(6) If at any meeting the chair and vice-chair are not present, the members present may elect a chair for that meeting.

(7) The chair may vote with the other members of the committee and any motion on which there is an equality of votes is lost.

(8) The committee shall meet at least 10 times in each school year.

(9) Where a member for whom an alternate has been appointed cannot attend a meeting of the committee, the member shall so notify the alternate.

(10) Where an alternate receives a notice under subsection (9), he or she shall attend the meeting and act at the meeting in the member's place. O. Reg. 464/97, s. 9.

**10. (1)** The board shall make available to its special education advisory committee the personnel and facilities that the board considers necessary for the proper functioning of the committee, including the personnel and facilities that the board considers necessary to permit the use of electronic means for the holding of meetings of the committee in accordance with the regulations made under section 208.1 of the Act.

(2) Within a reasonable time after a special education advisory committee is appointed, the board shall provide the members of the committee and their alternates with information and orientation respecting,

(a) the role of the committee and of the board in relation to special education; and

(b) Ministry and board policies relating to special education. O. Reg. 464/97, s. 10.

**11. (1)** A special education advisory committee of a board may make recommendations to the board in respect of any matter affecting the establishment, development and delivery of special education programs and services for exceptional pupils of the board.

(2) Before making a decision on a recommendation of the committee, the board shall provide an opportunity for the committee to be heard before the board and before any other committee of the board to which the recommendation is referred. O. Reg. 464/97, s. 11.

**12. (1)** The board shall ensure that its special education advisory committee is provided with the opportunity to participate in the board's annual review, under Regulation 306 of the Revised Regulations of Ontario, 1990, of its special education plan.

(2) The board shall ensure that its special education advisory committee is provided with the opportunity to participate in the board's annual budget process under section 231 of the Act, as that process relates to special education.

[\(3\)](#) The board shall ensure that its special education advisory committee is provided with the opportunity to review the financial statements of the board, prepared under section 252 of the Act, as those statements relate to special education. O. Reg. 464/97, s. 12.

[13.](#) Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 464/97, s. 13.