



Date: December 18, 2024 **Agenda Item:** 7.1

To: Board of Trustees

From: Shawna Warren, Superintendent

Originator(s): Sean Nicholson, Associate Superintendent, Corporate Services

Subject: **Bylaw 02-2024: To Require Criminal Record Checks for Trustee Nominations**

Recommended Motion:

THAT the Board of Trustees approve the proposed Bylaw 02-2024 - to Require Criminal Record Checks for Trustee Nominations, at the first readings in this meeting in order to Require Criminal Record Checks for Trustee Nominations.

THAT the Board of Trustees approve the proposed Bylaw 02-2024 at the second readings in this meeting in order to Require Criminal Record Checks for Trustee Nominations.

THAT the Board of Trustees approve the third reading of proposed Bylaw 02-2024 to Require Criminal Record Checks for Trustee Nominations at this meeting.

THAT the Board of Trustees approve the proposed Bylaw 02-2024 at the third readings in this meeting in order to Require Criminal Record Checks for Trustee Nominations.

Background:

The *Municipal Affairs Statutes Amendment Act* (Bill 20) came into force on October 31, 2024. One of the amendments to the *Local Authorities Election Act* made in the *Municipal Affairs Statutes Amendment Act* allows for boards to require criminal record checks. An elected authority, by a bylaw passed prior to December 31 of the year before a year in which a general election is to be held, may require a person seeking to be nominated as a candidate to provide a criminal record check.

Status & Relationship to Superintendent Leadership Quality Standard (SLQS):

This report aligns with the [SLQS](#) in the following way:

- COMPETENCY:** (6) School Authority Operations and Resources
- INDICATORS:** a. providing direction on fiscal and resource management in accordance with all statutory, regulatory and school authority requirements.



COMPETENCY: (7) Supporting Effective Governance
INDICATORS: e. ensuring that the board’s fiscal and resource management is in accordance with all statutory, regulatory and board requirements.

Governance Implications:

[Education Act](#)

Elections and Trustees
Procedure for elections
73 ALL

(b) Votes on bylaws or money bylaws

Held pursuant to this Act are to be governed by this Act and the *Local Authorities Election Act*.

[Board Policy 225: Role of the Board](#)

As elected representatives of the community, the Board of Trustees is held accountable through the Education Act. The Board provides overall direction and leadership to the Division. The Board is a corporate entity and exercises its authority through a democratic process and always models a culture of respect and integrity.

Administration is prepared to respond to questions at the December 18, 2024, Public Board meeting.

Attachment(s):

1. Bylaw 02-2024 - Require Criminal Record Checks for Trustee Nominations

THE STURGEON PUBLIC SCHOOL DIVISION

BYLAW NO. 02-2024

A BYLAW TO REQUIRE CRIMINAL RECORD CHECKS FOR TRUSTEE NOMINATIONS

Preamble

Section 21.1 of the *Local Authorities Election Act* allows an elected authority to, by bylaw passed prior to December 31 of the year before a year in which a general election is to be held, require a person seeking to be nominated as a candidate to provide a criminal record check;[MS2]

Section 28 of the *Local Authorities Election Act* provides that

- (a) a returning officer shall not accept for filing a nomination that is not accompanied with a criminal record check required by bylaw,
- (b) at any time after the commencement of the nomination period until the term of office to which the filed nomination papers relate has expired, a person may request to examine the filed nomination papers during regular business hours and in the presence of the returning officer, deputy, or secretary, and
- (c) a filed nomination paper must be made available in a partial or redacted form as necessary, but the results of the criminal record check must not be withheld or redacted except to ensure that the mailing address of the candidate and of the candidate's official agent is not disclosed;[MS3]

The Board of Trustees of The Sturgeon Public School Division deems it advisable to require a person seeking to be nominated to provide a criminal record check with their nomination;[MS4]

The Board of Trustees of The Sturgeon Public School Division enacts:

Title

1. This bylaw may be cited as the "Criminal Record Check Bylaw."

Definitions

- 2.

(1) Unless otherwise specified, words used in this bylaw will have the same meaning as defined in the *Local Authorities Election Act*.

(2) In this bylaw:

(a) “criminal record check” means a check conducted by a police service in Alberta^[MS6], which must include results of both local and national records including charges and convictions.^[MS7]

Criminal Record Check

3. Every nomination of a candidate for the office of trustee must be accompanied with a criminal record check issued no earlier than 90 calendar days prior to the date the nomination is submitted.

Effective Date

4. This bylaw comes into force on the day it is passed.

Read a first time on December 18, 2024;

Read a second time on December 18, 2024;

Read a third time on December 18, 2024;

SIGNED AND PASSED December 18, 2024.

BOARD CHAIR

ASSOCIATE SUPERINTENDENT
CORPORATE SERVICES