



## **SPECIAL MEETING OF THE BOARD OF TRUSTEES**

RVS EDUCATION CENTRE  
2651 CHINOOK WINDS DR. SW  
AIRDRIE, AB

ZOOM LINK: <https://rockyview.zoom.us/my/rvsboard>

**DECEMBER 17, 2024**

*10:00 a.m. Special Board Meeting*

### **AGENDA**

1. Call to Order
2. Approval of Agenda
3. New Business
  - a) Consideration of Second Reading of Bylaw 2024-04, a bylaw to require criminal records checks for trustee nomination.
  - b) Consideration of Third Reading of Bylaw 2024-04 (if required).
4. Adjournment

This unofficial agenda is subject to change and is not *official* until approved at the Board meeting.



# DIRECTIVE FOR ACTION

TO: THE BOARD OF TRUSTEES

FROM: CHAIR GILBERT

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**Item:** Election Bylaw - Criminal Record Checks for Trustee Nominations

**Date of Meeting:** December 17, 2024

**Background:**

A bylaw is a local law, enacted by an elected authority (in this case the Board of Trustees) under authority granted by provincial statute (in this case the *Local Authorities Elections Act (LAEA)*), which applies within the jurisdiction (in this case, the Rocky View School Division).

The *Municipal Affairs Statutes Amendment Act 2024*, formerly known as Bill 20, was recently passed by the Legislative Assembly of Alberta and was proclaimed in force on October 31, 2024. This legislation sets new rules for school board elections and makes amendments to the LAEA. The changes come into effect on Jan. 1, 2025, in time for the October 2025 elections.

One of the changes to the LAEA is the ability for an elected authority to pass a bylaw to require a person seeking to be nominated as a candidate to provide a criminal record check. To be in effect for the 2025 school board election, this bylaw must be passed prior to December 31, 2024.

In relation to bylaws, Section 6 of the *Board Procedures Regulation* states that:

1. Every bylaw must have 3 distinct readings before a bylaw is passed.
2. Not more than 2 readings of a bylaw must be given at any one meeting unless the trustees present at the meeting unanimously agree to give the bylaw a 3<sup>rd</sup> reading.
3. The first reading of a bylaw must be in full and, if each board member has in the member's possession a written, printed or electronic copy of the bylaw, the 2<sup>nd</sup> and 3<sup>rd</sup> readings may be by title and description only.

**Current Status:**

Since the introduction of this piece of legislation earlier this fall, there has been much discussion within and amongst school boards and trustees across the province, as well as discussion between RVS trustees and administration at the committee level. As publicly elected school board trustees, the discussion and debate as to whether RVS should execute its discretionary power to require criminal record checks for trustee candidates is best placed in the public realm.

The Alberta School Boards Association (ASBA) hosted two professional learning sessions related to changes in the LAEA. They engaged legal counsel to support their work and draft a Criminal Record Check Bylaw template for member school boards to use. Several RVS trustees and administration attended the sessions on Oct 4 and Dec 2.

The following is a summary of the legislation as shared by ASBA legal counsel as well as the procedures as described in the legislation and corresponding regulation.

If a school board passes a criminal record check bylaw, then:

# DIRECTIVE FOR ACTION



TO: THE BOARD OF TRUSTEES

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- A person must submit a criminal record check along with their nomination papers in the matter prescribed in the bylaw
- A nomination submitted without a criminal record check would be deemed incomplete and the Returning Officer must refuse to accept it
- Any person may examine a candidates nomination package, including the criminal record check, in person in the presence of the Returning Officer, or other specified individuals.

It is important to note that a person who has a criminal record is **not** automatically disqualified from running for office regardless of the offence. The intent of this bylaw is to provide full transparency to the public and to allow the democratic process to proceed unimpeded. Additionally, even if a criminal record check shows a person has a conviction for an offense which renders them ineligible to be a candidate or trustee under to LAEA, the Returning Officer is required to accept the nomination if it is complete.

Furthermore, as per the LAEA, a Returning Officer is obliged to accept a completed nomination form and has no role in vetting candidates for residency, age, citizenship, or any ineligibility criteria; that would be dealt with through the courts if a challenge was brought to a person's eligibility or through Board policy as applicable.

At the December 12<sup>th</sup> public Board meeting, the Board considered and passed first reading of Bylaw 2024-04, a bylaw to require a person seeking to be nominated as a candidate to provide a criminal record check when submitting their nomination package. The bylaw is included below and has been crafted from the template provided by ASBA and their legal counsel.

For the bylaw to be in effect for the 2025 School Board elections, the bylaw must pass second and third reading prior to December 31, 2024. Today's Special Board Meeting was called to allow the Board to consider second and third reading.

## **Recommendation:**

The Board follows the steps outlined below to give second and third reading to Bylaw 2024-04 to require candidates to provide a criminal record check when submitting their nomination package for the 2025 election.

### **1. Second Reading:**

The Board of Trustees gives second reading to Bylaw 2024-04, a bylaw of The Rocky View School Division in the Province of Alberta to require candidates to provide a criminal record check when presenting themselves for nomination for the 2025 elections as read in part this 17<sup>th</sup> day of December in the year 2024.

### **2. Third Reading:**

The Board of Trustees gives third reading to Bylaw 2024-04, a bylaw of The Rocky View School Division in the Province of Alberta to require candidates to provide a criminal record check when presenting themselves for nomination for the 2025 elections as read in part this 17<sup>th</sup> day of December in the year 2024.

**BYLAW NO. 2024-04**  
**OF**  
**THE ROCKY VIEW SCHOOL DIVISION**

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;

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;

The Board of Trustees of the Rocky View School Division recognizes the importance of public confidence in the integrity and trustworthiness of its elected officials and therefore deems it advisable to require a person seeking to be nominated to provide a criminal record check with their nomination;

The Board of Trustees of the Rocky View 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 the RCMP, which must include results of both local and national records including charges and convictions.

**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 30 calendar days prior to the date the nomination is submitted.

**Effective Date**

4. This bylaw shall take effect on January 1, 2025.

**READ A FIRST TIME THIS 12<sup>TH</sup> DAY OF DECEMBER, 2024.**

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Board Chair

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Secretary-Treasurer

**READ A SECOND TIME THIS \_\_\_\_\_ DAY OF DECEMBER, 2024.**

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Board Chair

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Secretary-Treasurer

**READ A THIRD TIME THIS \_\_\_\_\_ DAY OF DECEMBER, 2024.**

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Board Chair

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Secretary-Treasurer