



MEMORANDUM

December 17, 2024
Regular Board Meeting

TO	Board of Trustees
FROM	Shauna Boyce, Superintendent
ORIGINATOR	Scott McFadyen, Associate Superintendent
RESOURCE	Jason Krefting, Director
GOVERNANCE POLICY	Board Policy 2: Role of the Board Board Policy 10: Policy Formation and Review
ADDITIONAL REFERENCE	BP 2: Section 2. Policy Governance BP 10: Policy Formation and Review Education Act (73) Procedure for Elections Local Authorities Election Act (21.1) Criminal Record Check Local Authorities Election Act (28) Nominations
SUBJECT	THREE READINGS OF BYLAW 2024-1: THE PARKLAND SCHOOL DIVISION CANDIDATE CRIMINAL RECORD CHECK

PURPOSE

For approval. Recommendation required.

RECOMMENDATION 1 (ONE): FIRST READING

1. That the Board of Trustees approves the first reading of Bylaw 2024-1: The Parkland School Division Candidate Criminal Record Check, upon having read Bylaw 2024-1 in full.

RECOMMENDATION 2 (TWO): SECOND READING

2. That the Board of Trustees approves the second reading of Bylaw 2024-1: The Parkland School Division Candidate Criminal Record Check, having read the Bylaw in title and description only.

RECOMMENDATION 3 (THREE): UNANIMOUS CONSENT

3. That the Board of Trustees approves and passes, upon unanimous consent of all Trustees present, the third reading of Bylaw 2024-1: The Parkland School Division Candidate Criminal Record Check, having read the Bylaw in title and description only.

RECOMMENDATION 4 (FOUR): THIRD READING

4. That the Board of Trustees approves the third reading, of Bylaw 2024-1: The Parkland School Division Candidate Criminal Record Check, having read the Bylaw in title and description only.

BACKGROUND

The Municipal Affairs Statutes Amendment Act, 2024 came into force on October 31, 2024. This statute allows for School Divisions to require a criminal record check for local candidates in an election. If a bylaw is passed by the Board requiring a criminal record check by December 31, 2024, a criminal record check would be required for the 2025 election. The Local Authorities Election Act was updated for this provision.

Criminal record check

21.1 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.

REPORT SUMMARY

Bylaw 2024-1: The Parkland School Division Bylaw to require criminal record checks for Trustee nominations was drafted in order to reflect new legislation, which came into enforcement October 31, 2024 under the Local Authorities Election Act which allows an elected authority to, by a 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.

In accordance with the Local Authorities Election Act (21.1), Criminal Record Check, and pursuant to Alberta Regulation 82/2019: Board Procedures Regulation section 6(2), the Board of Trustees, upon approval of the aforementioned process, may, in the same meeting, give three (3) readings of the Bylaw, affirm and pass the Bylaw.

The process for passing Bylaw will entail reading the Bylaw in full for the first time, follow by a second reading of the Bylaw in title and description only; and further, upon unanimous agreement from the Board of Trustees read the Bylaw a third time in title and description only at the same meeting, and the Bylaw having been given three readings, and upon approval after each reading, be passed.

**Board Procedures Regulation
Alberta Regulation 82/2019**

Readings of bylaws

- 6(1)** Every bylaw of a board must have 3 distinct separate readings before the 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 3rd 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 2nd and 3rd readings may be by title and description only.

Pursuant to the Local Authorities Election Act (21.1) Criminal record check, should bylaw 2024-1: The Parkland School Division Bylaw to require criminal record checks for Trustee nominations be passed, the Bylaw will apply to the next election and all subsequent elections unless it is repealed.

Local Authorities Election Act

Criminal record check

21.1 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.

Form of nomination

27(1) Every nomination of a candidate must
(e) if required by bylaw, be accompanied with a criminal record check.

Administration would be pleased to respond to any questions.

SM:kz

THE PARKLAND SCHOOL DIVISION

BYLAW 2024-1

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 a 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 Parkland School Division 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 Parkland School Division enacts:

Criminal Record Checks for Trustee Nominations

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 45 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 17, 2024;

Read a second time on December 17, 2024;

Read a third time on December 17, 2024;

SIGNED AND PASSED December 17, 2024.

Board Chair

Secretary-Treasurer