

public agenda

Special Meeting of the Board of Trustees

December 16, 2024
9:00 a.m.

Multipurpose Room,
Education Centre
1221 8 Street SW,
Calgary, AB

R-1: Mission |

Each student, in keeping with their individual abilities and gifts, will complete high school with a foundation of learning necessary to thrive in life, work and continued learning.

Conflict of Interest reminder: Trustees must disclose any potential pecuniary interest in any matter before the Board of Trustees, as set forth in the agenda as well as any pecuniary interest in any contract before the Board requiring the Board's approval and/or ratification.

Time	Topic	Who	Policy Ref	Attachment
9:00am	1 Call to Order, National Anthem, Acknowledgement of the Land and Welcome	Chair		
	2 Consideration/Approval of Agenda	Board	GC-2	
	3 Matters Reserved for Board Decision	Board		
	3.1 Bylaw to Require Police Information Checks for Trustee Candidate Nominations		GC-1, 3	Page 3-1
	4 Termination of Meeting			
	Debrief	Board	GC-2.3	

Notice |

This public Board meeting will be recorded & posted online.
Media may also attend these meetings.
You may appear in media coverage.

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For questions or concerns, please contact:
Office of the Corporate Secretary at corpsec@cbe.ab.ca.



**report to
Board of Trustees**

Bylaw to Require Police Information Checks for Trustee Candidate Nominations

Date	December 16, 2024
Meeting Type	Special Meeting, Public Agenda
To	Board of Trustees
From	Trustee Patricia Bolger Board Chair
Purpose	Decision
Governance Policy Reference	Governance Culture GC-1: Board Purpose GC-3: Board Job Description

1 | Recommendation

It is recommended:

- THAT the Board of Trustees authorize Bylaw Number 1 of 2024, being a Bylaw of The Calgary Board of Education to require Police Information Checks for Trustee Candidate Nominations (“Bylaw 1 of 2024”) be given first reading.
- THAT the Board of Trustees approves first reading of Bylaw 1 of 2024, being a Bylaw of The Calgary Board of Education to require Police Information Checks for Trustee Candidate Nominations.
- THAT the Board of Trustees authorize Bylaw 1 of 2024 be given second reading.



- THAT the Board of Trustees approves second reading of Bylaw 1 of 2024, being a Bylaw of The Calgary Board of Education to require Police Information Checks for Trustee Candidate Nominations.
- THAT, in accordance with Section 6(2) of the Board Procedure Regulation (AR 82/2019) under the *Education Act*, the Board of Trustees authorizes Bylaw 1 of 2024 be given third reading.

(Note: if the Board unanimously approves the above recommendation, it can proceed with the following motion.)

- THAT the Board of Trustees approves third reading of Bylaw 1 of 2024, being a Bylaw of The Calgary Board of Education to require Police Information Checks for Trustee Candidate Nominations.

2 | Background

The Alberta Government initiated amendments to the *Local Authorities Election Act* through the *Municipal Affairs Statutes Amendment Act*, which came into force on October 31, 2024. One of the amendments to the *Local Authorities Election Act*, provides elected authorities the opportunity to consider requiring candidates to provide a criminal record check as part of their nomination papers.

Section 21.1 of the *Local Authorities Election Act* states:

An elected authority, by 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.

Under the *Local Authorities Election Act*, “elected authority” means (i) a council under the Municipal Government Act, or (ii) a board of trustees under the Education Act.”

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.

ATTACHMENTS

Attachment I: Bylaw 1 of 2024, being a Bylaw of The Calgary Board of Education to require Criminal Record Checks for Trustee Candidate Nominations.

Property of the
Calgary Board of Education





Calgary Board of Education
Bylaw 1 of 2024

A Bylaw of The Calgary Board of Education to Require Police Information Checks for Trustee
Candidate Nominations
(Police Information Check Bylaw)

WHEREAS the Board of Trustees of the Calgary Board of Education (the Calgary School Division) is an elected authority under the *Local Authorities Election Act* and has the power to pass bylaws under that Act;

AND WHEREAS 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 (also referred to as a “Police Information Check”);

AND WHEREAS The Board of Trustees of the Calgary Board of Education (the Calgary School Division) deems it advisable to require a person seeking to be nominated as a candidate to provide a criminal record check with their nomination;

AND WHEREAS under sections 2 and 3 of the *Local Authorities Election Act*, The City of Calgary, The Calgary Board of Education and the Board of Trustees of Calgary Roman Catholic Separate School Division have entered into an agreement for The City of Calgary to conduct joint elections;

AND WHEREAS Section 28 of the *Local Authorities Election Act* provides that a returning officer shall not accept for filing a nomination that is not accompanied with a criminal record check required by bylaw;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF TRUSTEES OF THE CALGARY BOARD OF EDUCATION (THE CALGARY SCHOOL DIVISION) ENACTS AS FOLLOWS:

PART 1 – INTERPRETATION AND DEFINITIONS

1. This Bylaw may be cited as the “Police Information Check Bylaw”.
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) “Act” means the *Local Authorities Election Act*, RSA 2000, c. L-21;
 - (b) “candidate” means an individual who has been nominated to run for election in a local jurisdiction as a school board trustee;
 - (c) “City” means the municipal corporation of The City of Calgary or the area within the boundary of the city, as the context requires; and
 - (d) “Police Information Check” means a collection of offence-related information, including convictions, non-convictions and other police information available from police record management systems and provincial court records, in the form established by the Alberta Association of Chiefs of Police, as amended from time to time.
- (3) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.
- (4) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

Applicability

3. (1) This Bylaw applies to all elections for candidates in the City that are governed by the Act.
- (2) In the event of a conflict between a provision of this Bylaw and a provision of the Act, the provision of the Act will prevail.

PART 2 – POLICE INFORMATION CHECK

4. (1) Every nomination of a candidate for the office of school board trustee must be accompanied with a Police Information Check obtained from the Calgary Police Service.
- (2) Police Information Checks submitted pursuant to subsection (1) above must be dated no earlier than six (6) months before the date on which a candidate submits their nomination paper.
- (3) Every candidate for the office of school board trustee shall be responsible for the cost of the Police Information Check submitted pursuant to subsection (1) above.
- (4) The Police Information Check required under this Bylaw constitutes a “criminal record check” as that term is used in Section 21.1 of the Act.

PART 3 – EFFECTIVE DATE

5. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME THIS _____ DAY OF DECEMBER, 2024.

READ A SECOND TIME THIS _____ DAY OF DECEMBER, 2024.

READ A THIRD TIME THIS _____ DAY OF DECEMBER, 2024.

Patricia Bolger
Chair, Board of Trustees

Signed this _____ day of December, 2024

Patricia Minor
Corporate Secretary

Signed this _____ day of December, 2024

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Calgary Board of Education