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This Act is current to June 1, 2022

See the Tables of Legislative Changes for this Act's legislative history, including any changes not in force.

SCHOOL ACT
[RSBC 1996] CHAPTER 412

Part 4 — School Trustees

Division 1 — Establishment of Boards of Education

Composition of board

- 30** (1) There is to be a board of education for each school district.
- (2) A board consists of 3, 5, 7 or 9 trustees, as determined by order of the minister under this section.
- (3) The minister must, by order, establish the following for each school district:
- (a) the number of trustees for the school district;
 - (b) whether trustees are to be elected
 - (i) from the school district at large, in which case the school district is the trustee electoral area,
 - (ii) from a number of trustee electoral areas specified by the minister that are in total the entire school district, or
 - (iii) in another manner that is a combination of the methods under subparagraphs (i) and (ii);
 - (c) if there is more than one trustee electoral area, the number of trustees to be elected from each.
- (4) The minister may, by order, vary an order under subsection (3) and may determine the manner in which and the times at which the new trustees under the variation order are to be appointed or elected.
- (5) If the minister reduces the number of trustees for a board, the order reducing the number of trustees becomes effective for the following general school election.
- (6) An order under subsection (3) or (4) must be published in the Gazette.
- (7) Unless an order under this section provides otherwise, the election of trustees for School District No. 39 (Vancouver) must be an election from the school district at

large.

- (8) An order under this Act or a former Act that establishes the number of trustees for a school district and the area or areas from which they are to be elected is deemed to be an order under this section.

First members of board

- 31** (1) As an exception to section 30 when a new school district is created, the minister must, by order, determine whether the first trustees of the school district are to be appointed by the minister or elected.
- (2) If the minister determines that the first trustees are to be elected, the trustee election must be held as directed by order of the minister.
- (3) The term of office of a trustee appointed or elected under this section begins when the person takes office in accordance with section 50 (3) following the appointment or election and ends at the time referred to in section 49 (b).
- (4) When a new school district is created wholly or in part by the union of 2 or more existing school districts, or as a result of the division of a school district into 2 or more smaller school districts, and trustees are being elected or appointed to constitute the board or boards of the newly formed school district or districts, the Lieutenant Governor in Council may terminate the terms of office of all the trustees in the former school districts.

Division 2 — Trustee Qualifications

Who may hold office

- 32** (1) Except as provided in this Division, a person is qualified to be nominated for office and to be elected or appointed to and hold office as a trustee if, at the relevant time, the person meets all the following requirements:
- (a) the person must be an individual who is, or who will be on general voting day for the election or the effective date of the appointment, as applicable, age 18 or older;
 - (b) the person must be a Canadian citizen;
 - (c) the person must have been a resident of British Columbia, as determined in accordance with section 42, for at least 6 months immediately before the relevant time;
 - (d) the person must not be disqualified under this Act or any other enactment from being nominated for, being elected to or holding office as a trustee, or be otherwise disqualified by law.
- (2) A person whose term of office as trustee has expired or is about to expire is eligible for re-election if the person is otherwise qualified to be a trustee.
- (3) At any one time, a person is not eligible to be nominated for or elected as trustee for more than one trustee electoral area for any one school district.

Disqualifications

33 Without limiting section 32 (1) (d), the following persons are disqualified from being nominated for, being elected to or holding office as a trustee:

- (a) a person who is disqualified under section 34 as an employee of a board, except as authorized under that section;
- (b) a person who is disqualified under
 - (i) section 52 (1) [*failure to make oath or affirmation of office*], or
 - (ii) section 52 (2) [*unexcused absence from board meetings*];
- (b.1) a person who is disqualified under the *Local Elections Campaign Financing Act* from holding office on a local authority;
- (c) a person who is disqualified from holding office under
 - (i) Division 18 [*Election Offences*] of Part 3 of the *Local Government Act* as it applies under this Act, that Act or any other Act, or
 - (ii) Division (17) of Part I of the *Vancouver Charter*, as it applies under this Act, that Act or any other Act;
- (d) a person who holds office as a regional trustee of a francophone education authority under Part 8.1.

Disqualification of board employees

34 (1) For the purposes of this section, "**employee**" means

- (a) an employee or salaried officer of a board, or
- (b) a person who is within a class of persons deemed by regulation to be employees of a specified board,

but does not include a person who is within a class of persons excepted by regulation.

- (2) Unless the requirements of this section are met, an employee of a board is disqualified from being nominated for, being elected to or holding office as a trustee on the same board.
- (3) Before being nominated for office as trustee, the employee must give notice in writing to his or her employer of the employee's intention to consent to the nomination.
- (4) Once notice is given under subsection (3), the employee is entitled to and must take a leave of absence from the employee's position with the employer for a period that, at a minimum,
 - (a) begins on the first day of the nomination period or the date on which the notice is given, whichever is later, and
 - (b) ends, as applicable,
 - (i) if the person is not nominated before the end of the nomination period, on the day after the end of that period,
 - (ii) if the person withdraws as a candidate in the election, on the day after the withdrawal,

- (iii) if the person is declared elected, on the day the person resigns in accordance with subsection (7) or on the last day for taking office before the person is disqualified under section 52,
 - (iv) if the person is not declared elected and no application for judicial recount is made, on the last day on which an application for a judicial recount may be made, or
 - (v) if the person is not declared elected and an application for judicial recount is made, on the date when the results of the election are determined by or following the judicial recount.
- (5) If agreed by the employer, as a matter of employment contract or otherwise, the leave of absence under this section may be for a period longer than the minimum required by subsection (4).
- (6) Sections 54 and 56 of the *Employment Standards Act* apply to a leave of absence under this section.
- (7) Before making the oath of office under section 50, an employee on a leave of absence under this section who has been elected must resign from the person's position with the employer.
- (8) At the option of the employee, a resignation under subsection (7) may be conditional on the person's election not being declared invalid on an application under section 153 of the *Local Government Act* or section 115 of the *Vancouver Charter*, as those sections apply to trustee elections.

Division 3 — Elections

General school election

- 35** (1) Elections of all trustees, to be known collectively as a general school election, must be held in the year 2014 and in every 4th year after that.
- (2) General voting day for the general school election must be on the 3rd Saturday of October in the year of the election.

By-elections

- 36** (1) Except as permitted under subsection (2), an election must be held to fill a vacancy on a board that occurs in any of the following circumstances:
- (a) a person elected or appointed as trustee dies before taking office or a trustee dies while holding office;
 - (b) a trustee resigns under section 51;
 - (c) the office is declared vacant on the final determination of an application under section 153 of the *Local Government Act* or under section 115 of the *Vancouver Charter*, as those sections apply to trustee elections, or a candidate affected by an application under one of those sections renounces claim to the office;

(c.1) the office becomes vacant under any of the following sections of the *Local Elections Campaign Financing Act*:

- (i) section 64 (2) (a) [*candidate penalties for failure to disclose*];
- (ii) section 65 (1) (a) [*candidate penalties for false or misleading disclosure*];
- (iii) section 65.1 (1) [*endorsed candidate penalties for elector organization failing to file disclosure documents or disclosing false or misleading information*];
- (iv) section 68.01 (3) [*candidate penalties for exceeding expense limits or amount available*];

(d) the office becomes vacant under section 52 or 53;

(e) the office is declared vacant on the final determination of an application under section 54 (1) or 63 (1).

(2) If a vacancy occurs after January 1 in the year of a general school election, the board may hold the vacancy open until the election as long as at least 3 trustees continue to hold office.

(3) Within 30 days after a vacancy occurs for which an election is to be held, the board must do the following:

(a) in the case of a trustee election required to be conducted by the board, appoint a chief election officer;

(b) in the case of a trustee election required to be conducted by a municipality, notify the municipal council of the election;

(c) for an election under paragraph (a) or (b), notify the minister of the election.

(3.1) In the case of a trustee election required to be conducted by a municipality, the municipal council must appoint a chief election officer within 30 days after being notified under subsection (3) (b).

(3.2) As soon as practicable after an appointment under subsection (3) (a) or (3.1), the chief election officer must notify the BC chief electoral officer of the election.

(4) The chief election officer must set a general voting day for the trustee election, which must be on a Saturday no later than 80 days after the date the chief election officer was appointed.

(5) If fewer than 3 trustees continue to hold office, the board must hold a trustee election or notify the minister, who must appoint persons as trustees to fill the vacancies.

(6) If a trustee election is not held as required under this Act, or if the electors fail to elect the number of trustees that are to be elected, the minister may appoint persons as trustees to fill the vacancies.

(7) The term of office of a trustee elected or appointed under this section begins when the person takes office in accordance with section 50 (2) following the election or appointment and ends at the time referred to in section 49 (b).

Responsibility for conducting elections

- 37** (1) If a trustee electoral area is all or part of a single municipality, the municipal council must conduct the trustee elections in the trustee electoral area.
- (2) If a trustee electoral area includes both all or part of a single municipality and all or part of a rural area, the minister, on request of the board for the school district, may order that the municipal council must conduct the trustee elections for the trustee electoral area.
- (3) Except as provided in subsection (1) or (2), the board must conduct the trustee elections for its school district.
- (4) Subsection (5) applies to municipalities that, immediately before June 15, 1993, were subject to an order under this Act or a former Act that deemed a rural area or part of a rural area to be within the boundaries of a municipality for the purpose of electing trustees.
- (5) A rural area or part of a rural area that was deemed by an order referred to in subsection (4) to be within the boundaries of a municipality, together with the municipality, are deemed to be a trustee electoral area to which an order under subsection (2) applies.

Costs of trustee election conducted by municipality

- 38** (1) For a trustee election conducted by a municipality under section 37 (1) as part of a general school election, the board must reimburse the municipality for any costs of the trustee election that are additional to the costs, if any, incurred by the municipality in conducting a local government election or assent voting at the same time as the trustee election.
- (2) The Lieutenant Governor in Council may, by regulation, prescribe costs that must or must not be considered additional for the purposes of subsection (1).
- (3) For a trustee election conducted by a municipality, other than one referred to in subsection (1), the board must reimburse the municipality for the costs necessarily incurred by the municipality in conducting the election.
- (4) A board may enter into an agreement with a local government referred to in section 57 of the *Local Government Act* or section 13 of the *Vancouver Charter*, under which one party to the agreement conducts an election for the other, or in conjunction with an election of the other, in accordance with the terms of the agreement.
- (5) A board that is a party to an agreement under subsection (4) may, by bylaw, provide that the bylaws of the local government respecting elections apply to trustee elections conducted under the agreement.
- (6) An agreement referred to in subsection (4) may provide for a party to conduct only some of the election proceedings for or in conjunction with the other party.
- (7) An election to which an agreement referred to in subsection (6) applies is valid despite the agreement and any bylaws in relation to it having the effect of creating

differences in election proceedings between different parts of the trustee electoral area or other area for which an election is held.

- (8) Without limiting subsection (6), an agreement referred to in that subsection may allow a board or local government to restrict the persons who may vote at the election proceedings conducted under the agreement to persons who are entitled to be registered as electors in relation to a specified part of the trustee electoral area or other area for which the election is held.
- (9) If a restriction under subsection (8) applies, on any day on which an advance voting opportunity conducted under the agreement is open to electors of only part of a trustee electoral area, an advance voting opportunity must be open to all electors of the trustee electoral area on the same day.
- (10) So long as any required advance voting opportunities are provided, no bylaw is necessary for an advance voting opportunity required by subsection (9), and the voting opportunity may be held at the place and for the voting hours established by the chief election officer.
- (11) The chief election officer must give notice of a voting opportunity to which subsection (10) applies in any manner the chief election officer considers appropriate, including in the notice the date, place and voting hours for the voting opportunity.

Division 4 — Electors

Who may vote at an election

39 (1) In order to vote in a trustee election, a person

- (a) must meet the qualifications under section 40 (1) (a) to (e) as a resident elector or section 41 (1) (a) to (f) as a non-resident property elector,
- (b) must not be disqualified by this Act or any other enactment from voting in the election or be otherwise disqualified by law, and
- (c) must be registered as or deemed to be registered as an elector of the trustee electoral area for which the election is being held.

(2) The following persons are disqualified from voting at a trustee election:

- (a) a person who has not completed the sentence for an indictable offence, unless the person is released on probation or parole and is not in custody;
- (b) a person who is involuntarily confined to a psychiatric or other institution as a result of being acquitted of or found not criminally responsible for an offence under the *Criminal Code* on account of mental disorder;
- (c) [Repealed 2014-19-99.]
- (d) a person who has contravened section 161 (3) of the *Local Government Act* or section 123 (3) of the *Vancouver Charter*, as those sections apply to trustee elections, in relation to the election.

- (2.1) In addition to the persons referred to in subsection (2), a person who has filed a declaration under section 166.14 (5) is disqualified from voting at a trustee election to which the declaration applies.
- (3) For clarification, no corporation is entitled to be registered as an elector or have a representative registered as an elector and no corporation is entitled to vote.
- (4) A person must not vote more than once in a trustee election for any one school district.
- (5) A person must not vote at a trustee election unless entitled to do so.

Resident electors

40 (1) In order to vote as a resident elector of a trustee electoral area, a person must meet all the following requirements at the time of voting:

- (a) the person must be an individual who is, or who will be on general voting day for the trustee election, 18 years of age or older;
- (b) the person must be a Canadian citizen;
- (c) the person must have been a resident of British Columbia, for at least 6 months immediately before that day;
- (d) the person must be a resident of the trustee electoral area for which the election is held;
- (e) the person must not be disqualified by this Act or any other enactment from voting in a trustee election or be otherwise disqualified by law.

(2) [Repealed 2021-5-82.]

Non-resident property electors

41 (1) In order to vote as a non-resident property elector for a trustee electoral area, a person must meet all the following requirements at the time of voting:

- (a) the person must not be a resident elector of that or any other trustee electoral area of the school district;
- (b) the person must be an individual who is, or who will be on general voting day for the trustee election, age 18 or older;
- (c) the person must be a Canadian citizen;
- (d) the person must have been a resident of British Columbia for at least 6 months immediately before that day;
- (e) the person must have been the registered owner of real property in the trustee electoral area for at least 30 days immediately before that day;
- (e.1) the only persons who are registered owners of the real property, either as joint tenants or tenants in common, are individuals who are not holding the property in trust for a corporation or another trust;

- (f) the person must not be disqualified by this Act or any other enactment from voting in a trustee election or be otherwise disqualified by law.
- (2) A person may only register as a non-resident property elector in relation to one parcel of real property in a school district.
- (3) If the boundaries of a school district or trustee electoral area are extended, a person is deemed to have satisfied the requirement of subsection (1) (e) if, for at least 30 days before the person applies for registration as an elector, the person has been a registered owner of property within the trustee electoral area in which the property is located.
- (4) For the purposes of this section, the registered owner of real property means whichever of the following is applicable:
 - (a) the owner of a registered estate in fee simple of the property, unless another person holds an interest in the property referred to in paragraphs (b) to (d);
 - (b) the holder of the last registered agreement for sale, unless another person holds an interest in the property referred to in paragraph (c) or (d);
 - (c) the tenant for life under a registered life interest in the property, unless another person holds an interest in the property referred to in paragraph (d);
 - (d) the holder of a registered lease of the property for a term of at least 99 years.
- (5) If there is more than one individual who is the registered owner of real property, either as joint tenants or tenants in common, only one of those individuals may register as a non-resident property elector under this section in relation to the real property.
- (6) If the land title registration of the real property in relation to which a person is registering under this section indicates that there is more than one individual who is the registered owner of the real property, the individual registering must do so with the written consent of the number of those individuals who, together with the individual registering, are a majority of those individuals.
- (7) A registered owner who has consented to the registration of another registered owner of the property may withdraw the consent by delivering a written withdrawal to the secretary treasurer of the board.
- (8) Once a withdrawal of consent has been delivered in accordance with subsection (7), the person registered as the non-resident property elector in relation to the property ceases to be entitled to be registered and vote as such if the number of individuals referred to in subsection (6) falls below a majority of the registered owners, with this effective
 - (a) for the next election, in the case of a withdrawal delivered at least 52 days before general voting day for the election, and

- (b) following the next election, in the case of a withdrawal delivered less than 52 days before general voting day for the election.

Rules for determining residence

42 (1) The following rules apply to determine for the purposes of this Part the area in which a person is a resident:

- (a) a person is a resident of the area where the person lives and to which, whenever absent, the person intends to return;
- (b) a person may be the resident of only one area at a time for the purposes of this Part;
- (c) a person does not change the area in which the person is a resident until the person has a new area in which the person is a resident;
- (d) a person does not cease being a resident of an area by leaving the area for temporary purposes only.

(2) As an exception to subsection (1), if for the purposes of attending an educational institution a person establishes a new area in which the person is a resident away from the usual area in which the person is a resident, the person may choose for the purposes of this Part either the usual area or the new area as the area in which the person is a resident.

Registration as an elector

43 (1) In order to be registered as an elector of a trustee electoral area, a person must meet the requirements of section 39 (1) (a) and (b) on the date of registration.

(2) A person may be registered as an elector in only one trustee electoral area for any one school district.

(3) A person registers as an elector of a trustee electoral area by

- (a) delivering an application form completed as required by the board to the election official responsible at the place where the person is voting or providing to that official the information required in the manner established by the chief election officer, and
- (b) in the case of a person applying to register as a non-resident property elector, providing to the election official responsible at the place where the person is voting
 - (i) the address or legal description of the real property in relation to which the person is registering,
 - (ii) proof satisfactory to that official that the person is entitled to register in relation to that real property, and
 - (iii) if applicable, the written consent from the other registered owners of that real property required by section 41 (6).

- (4) For the purposes of subsection (3), the requirements to be registered as an elector under this Act may be satisfied by meeting the requirements to register as an elector under the *Local Government Act* or the *Vancouver Charter* at the time of voting.
- (5) A person is deemed to be registered as a resident elector of a trustee electoral area if both the following requirements are met:
 - (a) a list of registered electors is prepared for the municipality or regional district electoral area in which the person resides;
 - (b) the person is registered as a resident elector of the election area referred to in paragraph (a) before the date established for the close of advance registration as an elector of that election area.
- (6) A person is deemed to be registered as a non-resident property elector of a trustee electoral area if all the following requirements are met:
 - (a) the person is not entitled to be registered as a resident elector of a trustee electoral area for the school district;
 - (b) a list of registered electors is prepared for the municipality or regional district electoral area in which the person owns the property;
 - (c) the person is registered as a non-resident property elector of the election area referred to in paragraph (b) in relation to that property before the date established for the close of advance registration as an elector of that election area.
- (7) Subsection (2) does not apply in relation to deemed registration under subsection (6) but, for certainty, a person is not entitled to vote in a trustee election as an elector of more than one trustee electoral area or as both a resident elector and a non-resident property elector.

Repealed

44 [Repealed 2008-5-36.]

Division 5 — Election Proceedings

Elections conducted by board

- 45 (1) For a trustee election conducted by a board for a school district other than School District No. 39 (Vancouver), Part 3 of the *Local Government Act*, as that Part applies to an election of electoral area directors, applies to the trustee election except as provided in this Part.
- (2) For the purposes of subsection (1), the references in Part 3 of the *Local Government Act* are to be read in accordance with the following:
- (a) a reference to a regional district board or local government is to be read as a reference to the board;
 - (b) a reference to a municipality or electoral area is to be read as a reference to a trustee electoral area;

- (c) a reference to the designated local government officer or to the local government corporate officer is to be read as a reference to the secretary treasurer of the board;
 - (d) a reference to the minister charged with the administration of that Act is to be read as a reference to the minister responsible for this Act.
- (3) For a trustee election conducted by the board of School District No. 39 (Vancouver), Part I of the *Vancouver Charter* applies to the election except as provided in this Part.
- (4) For the purposes of subsection (3), the references in Part I of the *Vancouver Charter* are to be read in accordance with the following:
 - (a) a reference to the Council is to be read as a reference to the board;
 - (b) a reference to the city is to be read as a reference to a trustee electoral area;
 - (c) a reference to the City Clerk is to be read as a reference to the secretary treasurer of the board;
 - (d) a reference to the minister charged with the administration of that Act is to be read as a reference to the minister responsible for this Act.
- (5) On the application of a board, the minister may, by order, exempt the board from its obligation to hold one or both of the advance voting opportunities that would otherwise be required.
- (6) In order for a bylaw under this Part, or under Part 3 of the *Local Government Act* or Part I of the *Vancouver Charter* as those Parts apply to trustee elections, to apply to a trustee election, the board must adopt the bylaw at least 4 weeks before the first day of the nomination period for the trustee election.
- (7) A board may exercise the authority of a municipal council under section 113 of the *Local Government Act* to establish voting divisions in relation to its trustee elections and, if this is done, that section applies.
- (8) For the purpose of harmonizing a trustee election with a local government election being conducted at the same time, a board may, by bylaw, provide that the bylaws of the local government under Part 3 of the *Local Government Act* or Part I of the *Vancouver Charter* apply to the trustee election.
- (9) As restrictions on subsection (8), a bylaw under that subsection may not provide that a local government bylaw under any of the following provisions applies to a trustee election:
 - (a) in relation to the *Local Government Act*,
 - (i) section 86 (2) [*minimum number of nominators*],
 - (ii) section 88 [*nomination deposits*],
 - (iii) section 117 [*order of names on ballot determined by lot*], and
 - (iv) section 151 [*determination of election results by lot*];
 - (b) in relation to the *Vancouver Charter*,
 - (i) section 43 (2) [*minimum number of nominators*],

- (ii) section 44.1 [*nomination deposits*],
- (iii) section 79 [*order of names on ballot determined by lot*], and
- (iv) section 113 [*determination of election results by lot*].

(10) Subsection (8) applies even if a bylaw under that subsection has the effect of creating differences in election proceedings between different trustee electoral areas.

Elections conducted by municipality

46 (1) Except as provided in this Act,

- (a) Part 3 of the *Local Government Act*, as that Part applies to an election for municipal councillors, applies to a trustee election that is conducted under section 37 (1) or (2) by a municipality other than the City of Vancouver, and
- (b) Part I of the *Vancouver Charter*, as that Part applies to an election for city councillors, applies to a trustee election that is conducted under section 37 (1) or (2) by the City of Vancouver.

(2) Section 45 (2) and (4) applies for the purposes of subsection (1).

(3) In the case of a trustee election conducted by a municipality under section 37 (1) or (2) at the same time as a general local election under the *Local Government Act* or the *Vancouver Charter*, except as provided in this Act the trustee election must be conducted as if it were part of the general local election.

(4) In relation to a trustee election referred to in subsection (1), the municipal council does not have authority to adopt a bylaw under a provision of the *Local Government Act* or *Vancouver Charter* referred to in section 45 (9), but, instead, the board may adopt bylaws under those sections for the trustee election.

(5) For a trustee election conducted by a municipality under section 37 (1) or (2), the board may give directions to the municipal chief election officer as to the form of ballot to be used for the trustee election.

Candidate endorsement by elector organization

46.1 In order to endorse a candidate in a trustee election, an organization must be registered under Division 6 [*Registration of Elector Organizations*] of Part 2 of the *Local Elections Campaign Financing Act*.

Counting of the vote

47 The counting of the votes for a trustee election for any one trustee electoral area must not take place until the close of voting at all voting places for the school district.

Election offences

48 (1) For certainty, Division 18 [*Election Offences*] of Part 3 of the *Local Government Act* and Division (17) [*Election Offences*] of Part I of the *Vancouver Charter* apply in relation to the application of those Parts to trustee elections.

- (2) In addition to the offences applicable as referred to in subsection (1), a person who contravenes section 39 (5) or 166.14 (7) of this Act commits an offence and is liable to the penalties provided in section 166 (3) of the *Local Government Act*.
- (3) Sections 164 [*prosecution of organizations and their directors and agents*] and 165 [*time limit for starting prosecution*] of the *Local Government Act* apply in relation to offences under this section.

Division 6 — Holding Office

General term of office

- 49** The term of office of a trustee elected at a general school election
- (a) begins on the first Monday after November 1 following the election or when the person takes office in accordance with section 50 (3), whichever is later, and
 - (b) ends immediately before the first Monday after November 1 in the year of the next general school election or when at least 3 trustees elected at or appointed following that election have taken office, whichever is later.

Oath of office

- 50** (1) A person elected or appointed as a trustee must make a prescribed oath of office, by oath or solemn affirmation, within the following applicable time limit:
- (a) in the case of a person elected by acclamation, within 50 days after the date set for general voting day had an election by voting been required;
 - (b) in the case of a person elected by voting, within 45 days after the declaration of the results of the election;
 - (c) in the case of a person appointed to office, within 45 days after the effective date of the appointment.
- (2) The oath must be made before a judge of the Court of Appeal, Supreme Court or Provincial Court, a justice of the peace, a local government corporate officer or the secretary treasurer of a board, and the person making the oath must obtain the completed oath or a certificate of it from the person administering it.
- (3) A person takes office as trustee
- (a) at the time the term of office begins if, at this time, the person produces or has produced the completed oath or certificate to the secretary treasurer, or
 - (b) at any later time that the person produces the completed oath or certificate to the secretary treasurer.
- (4) A person taking office as a trustee may also make an oath of allegiance.

Resignation from office

- 51** (1) A trustee may resign from office by giving written notice to the secretary treasurer of the board.

- (2) The secretary treasurer must notify the board of a resignation at its next meeting after the resignation is received or, if there are no other trustees on the board, the secretary treasurer must notify the minister.
- (3) A resignation is irrevocable after it is given to the secretary treasurer and is effective from the date a successor takes office or at an earlier date stated in the resignation.

Trustee disqualification from holding office

- 52** (1) If a person appointed or elected as a trustee does not make the oath required by section 50 within the time limit set by that section, the office to which that person was appointed or elected is deemed to be vacant and the person is disqualified from holding office as a trustee until the next general school election.
- (2) If a trustee is continuously absent from board meetings for a period of 3 consecutive months, unless the absence is because of illness or with the leave of the board, the office of the member is deemed to be vacant and the person who held the office is disqualified from holding office as a trustee until the next general school election.
- (3) If a person elected as a trustee is disqualified from holding office as referred to in section 33 (c), the office to which the person was elected is deemed to be vacant.

Removal of trustee following conviction for offence

- 53** (1) A trustee ceases to hold office on the 30th day following the date of any of the following:
- (a) the trustee's conviction for an indictable offence;
 - (b) the trustee's conviction for an offence under section 163 (2);
 - (c) a decision of the Supreme Court, on the application of an elector of the school district, that the conviction of the trustee for any other offence renders the trustee unsuitable to perform the duties of a trustee.
- (2) On the application of a trustee referred to in subsection (1), the Supreme Court may, by order, suspend the operation of that subsection for a period and on the terms the court considers appropriate.

Questions as to trustee qualifications

- 54** (1) Subject to Part 5 and subsection (2), the right of a trustee to hold office may be determined on application to the Supreme Court and, for this purpose, section 111 [*application to court for declaration of disqualification*] of the *Community Charter* applies.
- (2) The office of a person declared disqualified on an application under subsection (1) must remain vacant if the decision is appealed and no election to fill the office may be held until the final determination of the matter or until the next general school election, whichever is earlier.
- (3) As an exception to subsection (2), if fewer than 3 trustees remain in office, section 36 (5) applies to require that the vacant office be filled by election or appointment and section 112 (3) [*status of person subject to application*] of the *Community Charter* applies

to the person elected or appointed to the vacant office and to the person declared qualified.

- (4) A bylaw, resolution, contract or other proceeding of a board must not be set aside or declared invalid merely because
- (a) a person sitting or voting as a member of the board was not qualified as a trustee at or before the time of the proceeding,
 - (b) a trustee renounces claim to office on a board,
 - (c) a trustee election was set aside or declared invalid after the proceeding, or
 - (d) the election of a trustee was set aside or declared invalid after the proceeding.

**Contents | Part 1 | Part 2 | Part 3 | Part 4 | Part 5 | Part 6 | Part 6.1 | Part 7 | Part 8 | Part 8.1
| Part 9 | Schedule**