

# Trustee Appointment Guidelines

## PROVINCE OF BRITISH COLUMBIA, MINISTRY OF EDUCATION

### Appendix 1.5: Trustee Appointment Guidelines

The purpose of these guidelines are to clarify under what circumstances the Minister of Education may appoint school board trustees to fill vacancies.

#### Relevant Legislation

Under authority of the [School Act](#) sections 32 and 36 (6):

**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 by this Act or any other enactment from voting in an election in British Columbia or from being nominated for, being elected to or holding office as 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.

**36** (6) If a trustee election is not held as required by or 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.

## Procedures

The *School Act* states that the Minister of Education may appoint persons as trustees to fill vacancies if :

- an election is not held as required by or under the *School Act*, or
- the electors fail to elect the number of trustees that are to be elected

In situations where either of the above events occurs, the following procedure is provided to assist school boards:

1. The school board should wait until after the scheduled date of the trustee election has passed.
2. The secretary-treasurer or the school board chairperson, within one month after the scheduled election date, should write to the Minister of Education indicating that one of the two events indicated above has occurred and provide any necessary background information.
3. The letter to the Minister should contain:
  - a. the names of each respective trustee electoral area to which an appointment (or appointments) is sought;
  - b. the names of any persons that the school board has received in respect of the appointment(s) to each respective trustee electoral area;
  - c. the names of any persons that the school board wishes to put forward in respect of the appointment(s) to each respective trustee electoral area; and,
  - d. an affidavit signed by the secretary-treasurer stating that the persons referred to in 3 (c) above meet the requirements for holding office as trustee in section 32 of the *School Act*.
4. The Minister will consider the letter and will notify the secretary-treasurer and the chairperson of the school board of the Minister's decision as soon as practical.
5. It should be noted that these guidelines do not preclude the Minister from seeking recommendations from sources other than the school board.

## Contact

If you have questions/comments relating to these guidelines, please contact the Governance and Legislation Unit at [EDUC.GovernanceDepartment@gov.bc.ca](mailto:EDUC.GovernanceDepartment@gov.bc.ca) or (250) 356-1404.