

Policy 11

BOARD DELEGATION OF AUTHORITY

The Education Act allows for the Board to delegate certain of its responsibilities and powers to others.

The Board authorizes the Superintendent to do any act or thing or to exercise any power that the Board may do, or is required to do, or may exercise, except those matters which, in accordance with section 52(4) of the Education Act, cannot be delegated. This delegation of authority to the Superintendent specifically:

- ◆ Includes any authority or responsibility set out in the Education Act and regulations as well as authority or responsibility set out in other legislation or regulations;
- ◆ Includes the ability to enact Administrative Procedures, practices or regulations required to carry out this authority; and also
- ◆ Includes the ability to sub-delegate this authority and responsibility as required.

Notwithstanding the above, the Board reserves to itself the authority to make decisions on specific matters requiring Board approval. This reserved authority of the Board is set out in Board policies, as amended from time to time.

Further, the Board recognizes that new matters may emerge from time to time in which it is uncertain whether authority and decision-making for the matter is best delegated to the Superintendent. In such instances, the Superintendent shall consult with the Board Chair to determine in whose domain authority and decision-making for the matter best resides, and whether such determination ought to be referred to the Board for consideration.

Specifically

1. The Superintendent is authorized to suspend the services or terminate the employment of all certificated and non-certificated staff, which suspension or termination shall be conducted in accordance with the requirements of Section 213 and 214 of the Education Act, and which decision shall not be appealable to the Board of Trustees.
 - 1.1 The Superintendent is authorized to accept the resignation of a teacher in accordance with the requirements of section 216 of the Education Act.
2. The Superintendent is delegated the authority to develop Administrative Procedures that are consistent with provincial and Board policies for the following areas:
 - 2.1 General Administration
 - 2.2 Instructional Programs and Materials
 - 2.3 Students
 - 2.4 Personnel and Employee Relations
 - 2.5 Business Administration

3. The Superintendent is directed to develop an administrative procedure to fulfill Board obligations created by any federal legislation or provincial legislation other than the Education Act.
4. The Board of Trustees shall be informed in proper in-camera sessions, or immediately after a termination in anticipated controversial situations, on personnel matters including termination when such information is relevant at the Board of Trustee level. In some circumstances, this notification may only include the Board Chair and the local trustee.

Legal Reference: Section 33, 51, 52, 202, 203, 204, 206, 209, 210, 213, 214, 215, 217, 218, 219, 222 Education Act