

## 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 exercise any power that the Board may do, or is required to do or exercise, except those matters which, in accordance with section 52(1) of the *Education Act*, cannot be delegated.

Further to Section 33(j) of the *Education Act*, the Board entrusts the day-to-day management of the school division to the staff through the Superintendent.

Notwithstanding the above, the Board also reserves to itself the authority to make decisions on matters requiring Board approval in accordance with Board policies and practices; and further, the Board requires that any new provincial, regional or local initiatives must be initially brought to the Board for discussion and determination of decision-making authority.

Specifically:

1. This delegation of authority to the Superintendent includes:
  - 1.1 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;
  - 1.2 The ability to enact Administrative Procedures, practices or regulations required to carry out this authority; and
  - 1.3 The ability to sub-delegate this authority and responsibility as required subject to paragraph 3.3 below.
2. 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*.
3. The Superintendent is authorized to:
  - 3.1 Suspend the services of a teacher including, without limitation, the power under Section 213(2) of the *Education Act* to suspend a teacher from the performance of the teacher's duties without prior notice if the Superintendent is of the opinion that the welfare of the students is threatened by the presence of the teacher. The suspension shall be conducted in accordance with the requirements of the *Education Act*;
  - 3.2 Terminate the contract of employment of a teacher and to terminate the administrative designation held by a teacher, however;
  - 3.3 The Superintendent shall not sub-delegate the power to suspend or terminate the contract of employment or administrative designation of a teacher.

4. A decision regarding the suspension or termination of a contract or administrative designation held by a teacher shall not be appealable to the Board.
5. With respect to the power specified in paragraph 3 above, the Board requires the Superintendent to:
  - 5.1 Advise the Board forthwith, in writing of any suspension or termination of a contract or administrative designation held by a teacher, made pursuant to such delegate powers;
  - 5.2 Comply with all requirements as set out within the *Education Act* with respect to suspension and/or termination of teachers;
  - 5.3 In the case of a termination of a contract of employment for a teacher, provide the affected teacher with the written notice of any termination made pursuant to such delegated power, all within the requirements of the *Education Act*.
6. The Superintendent is authorized to suspend from the performance of duties or to terminate the services of any non-certificated staff member. The suspension or termination shall be in accordance with all relevant legislation, and the decision shall not be appealable to the Board.
7. The Superintendent is delegated the authority to develop Administrative Procedures that are consistent with provincial policies and procedures for the following program areas:
  - 7.1 A Welcoming, Caring, Respectful, and Safe Learning Environment (for Students and Staff)
  - 7.2 Inclusive Education
  - 7.3 A Code of Conduct for Students that Addresses Bullying Behaviour
  - 7.4 First Nations, Métis, Inuit Education
  - 7.5 A Learning and Technology Framework for Learning
  - 7.6 Learning Commons
  - 7.7 Knowledge and Employability Programs
  - 7.8 Daily Physical Activity
  - 7.9 Guidance and Counseling
  - 7.10 Services for Students and Children
  - 7.11 School-Based Decision Making
  - 7.12 Student Evaluation
  - 7.13 Teacher Growth, Supervision and Evaluation
  - 7.14 Home Education
  - 7.15 Early Childhood Services
  - 7.16 Outreach Programs
  - 7.17 Locally Developed/Acquired and Authorized Junior and Senior High School Complementary Courses
  - 7.18 Off – Campus Education

7.19 English as a Second Language

7.20 French as a Second Language and French Language Immersion

8. The superintendent is delegated the authority to act in the absence of board policy in cases where an emergency action must be taken in accordance with the following:
  - 7.1 The action must be taken with regard to the tenor of the board's philosophy.
  - 7.2 The superintendent must inform the board promptly of such emergency action.
  - 7.3 The superintendent shall inform the board of the need of a policy in the event of future occurrences.
  
8. In accordance with directives emanating from federal and provincial authorities in relationships to pandemic or other emergency and the consequent circumstances that may prevail, the superintendent may temporarily suspend current administrative procedures and operating guidelines. Such action shall be reported to the board as soon as possible; along with a recommendation should a change in procedure be warranted.

Legal Reference: Section 33(j), 52(1), 213, 225, *Education Act*