

Policy Statement:

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

The Board grants the Superintendent to do any act or thing or exercise any power that the Board may or is required to do or exercise, pursuant to the *School Act* except those matters which, in accordance with section 61(2) of the *School Act*, cannot be delegated.

Rationale:

This delegation of authority to the Superintendent specifically includes:

- a) any power, authority, duty or responsibility set out in the *School Act* and regulations as well as authority or responsibility set out in other legislation or regulations;
- b) the ability to enact Administrative Procedures and any other operational procedures required to carry out this authority; and
- c) the ability to sub-delegate this authority and responsibility as permitted by law, including the *School Act*.

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 requires that any legislative changes or proposed legislative changes that affect the Board in any way, including any Division operation(s) (whether federal, provincial or municipal) must be initially brought to the Board for discussion and determination as to whether the change or proposed change has the result of requiring the Board to amend its decision-making authority.

The Superintendent is directed to develop an Administrative Procedure to fulfill Board obligations created by any federal legislation, provincial and or municipal legislation including the *School Act*.

Scope:

1. The Board reserves to itself the authority to make decisions on recommendations for the suspension and termination of a continuous, probationary, temporary or interim contract of employment for a teacher, or of any designation held by a teacher, made pursuant to sections 19, 95 or 96 of the *School Act*. If the Board decides to exercise its authority in this regard, it shall pass a motion in this regard.
2. The Superintendent is authorized 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 *School Act*, section 105(2).

3. The Superintendent or Superintendent's designate, in accordance with the Employment Standards Code, is also authorized to discipline, suspend, or terminate any uncertificated staff member. Any such discipline shall be in accordance with Policy, Administrative Procedure, and applicable collective agreement (if any). The decision is not appealable to the Board.
4. The Superintendent is delegated the authority to develop Administrative Procedures that are consistent with provincial and board policies and procedures.
5. The Superintendent is delegated the authority to deal with appeals under section 123 of the *School Act* with the exception of the following, which will be dealt with directly by the Board:
 - 5.1 Placement of a student in a special education program;
 - 5.2 Access to and accuracy and completeness of a student's record;
 - 5.3 The amount and payment of fees and costs;
 - 5.4 The termination of a home education program; and
 - 5.5 Matters that significantly affect the education of a student.
6. The Superintendent is delegated authority for implementing the requirements of the *Freedom of Information and Protection of Privacy Act*.
7. To the extent permitted by the *School Act*, the Superintendent is delegated the authority to approve placement in and sponsorship of out-of-division programs, to enter into contracts and to negotiate tuition agreements with organizations, institutions and other school jurisdictions for those students that cannot be accommodated within the Division.

Reference:

Sections 19,61,95,96,105,123 [School Act](#)
[Policy 12 Role of the Superintendent](#)
[Freedom of Information and Protection of Privacy Act \(FOIP\)](#)
[AP 10-03 Administrative Procedures, Forms and Handbooks](#)