



MEMORANDUM

June 21, 2022

Regular Board Meeting

TO	Board of Trustees
FROM	Lorraine Stewart, Board Chair Anne Montgomery, Board Vice-Chair
ORIGINATOR	Shauna Boyce, Superintendent
RESOURCE	Policy Review Committee
GOVERNANCE POLICY	Board Policy 2: Role of the Board Board Policy 11: Board Delegation of Authority Board Policy 12: Role of the Superintendent Board Policy 14: Hearings on Teacher Matters
ADDITIONAL REFERENCE	BP 2: Governance and Organization BP 12: Section 5. Policy <i>Education Act</i>
SUBJECT	REVISED BOARD POLICY 11: BOARD DELEGATION OF AUTHORITY

PURPOSE

For approval. Recommendation required.

RECOMMENDATION

That the Board of Trustees approves the Revised Board Policy 11: Board Delegation of Authority, as recommended by the Policy Review Committee and presented at the Regular Meeting of June 21, 2022.

BACKGROUND

The Board of Trustees is responsible to review Board Policies on an ongoing basis in order to adhere to the requirements necessary to provide excellence in public education and comply with the *Education Act* and provincial, as well as federal, legislation. The following revised policy is in support of this responsibility.

REPORT SUMMARY

On April 5, 2022 and May 31, 2022, the Policy Review Committee met and discussed updates to Board Policy 11: Board Delegation of Authority.

Key Changes to Board Policy 11 include:

- Updates to reflect the inclusion of the *Education Act* and its references.

The draft policy was initially reviewed and discussed by the Board at the April 21, 2022, Governance and Planning Session (GPS) and for a second review at the June 14, 2022, GPS to ensure all necessary revisions were addressed.

The Policy Committee would be pleased to respond to any questions.

LS:kz



Parkland School Division Board Policy 11

BOARD DELEGATION OF AUTHORITY

The Board is charged with the responsibility of providing, for its students and their parents or guardians, an education system organized and operated in their best interests. It exercises this responsibility through setting of local educational policy and the wise use of resources.

The Superintendent is the Chief Executive Officer of the Board and the Chief Education Officer of the Division. The Superintendent reports directly to the corporate Board, and is accountable to the Board of Trustees for the conduct and operation of the Division.

The *Education Act* allows for the Board to delegate certain responsibilities and powers to others. All Board authority delegated to the staff of the Division is delegated through the Superintendent.

Specifically:

1. The Board delegates the authority to the Superintendent to exercise any power, or do any act, or thing, that the Board may do, or is required to do, except those matters prohibited by provincial legislation and, specifically, except those matters identified in section 52(4) of the Education Act.
2. The Board reserves, to itself, the authority to make any decisions, or to amend any delegation of authority, through policy amendment or motion.
 - 2.1. The Board's authority is established through Board policies, as reviewed and amended on an ongoing basis.
3. The Board requires that any significant new provincial, regional or local obligations be brought to the Board for information and discussion.

Reference:	Education Act: 52, 53, 202-219, 222 Collective Agreements: ATA, CAAMSE, IUOE	Approved:	(signature)
		Date Approved:	June 21, 2022
Cross-Reference:	Board Policy: 2, 12	Reviewed or Revised:	June, 2022 December, 2020 March, 2017 September, 2010



Parkland School Division Board Policy 11

BOARD DELEGATION OF AUTHORITY

The Board is charged with the responsibility of providing, for its students and their parents or guardians, an education system organized and operated in their best interests. It exercises this responsibility through setting of local educational policy and the wise use of resources.

The Superintendent is the Chief Executive Officer of the Board and the Chief Education Officer of the Division. The Superintendent reports directly to the corporate Board, and is accountable to the Board of Trustees for the conduct and operation of the Division.

The ~~School Act~~ *Education Act* allows for the Board to delegate certain of its responsibilities and powers to others. ~~All Board authority delegated to the staff of the Division is delegated through the Superintendent.~~

Specifically:

1. ~~[Former Background] The Board authorizes~~ *delegates the authority to* the Superintendent ~~to do any act or thing or to exercise any power, or do any act, or thing, that the Board may do, or is required to do, or may exercise, except those matters prohibited by provincial legislation and, specifically, except those matters identified in section 52(4) of the Education Act. which, in accordance with section 61(2) of the School Act, cannot be delegated. This delegation of authority to the Superintendent specifically:~~

~~Includes any authority or responsibility set out in the School 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.~~

2. ~~[Former Background] Notwithstanding the above, t~~The Board reserves, to itself, the authority to make *any* decisions, *or to amend any delegation of authority, through policy amendment or motion.* ~~on specific matters requiring Board approval.~~

- 2.1. ~~[Former Background] This~~ The Board's ~~reserved authority of the Board is set out in~~ established through Board policies, as *reviewed and* amended ~~from time to time~~ *on an ongoing basis.*

3. ~~[Former Background] Further, t~~The Board requires that any significant new provincial, regional or local obligations be brought to the Board for information and discussion.

Specifically

1. ~~The Board reserves to itself the ability to make decisions on recommendations for the termination of a continuous 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.~~
2. ~~The Superintendent is authorized to suspend a teacher from the performance of the teacher's duties in accordance with sections 105(1) and 105(2) of the School Act. Further, the Superintendent is authorized to terminate the contract of employment for a teacher employed under a probationary, temporary or interim~~

contract of employment, where such termination is made during the term of such contract. The power to suspend or terminate the services of a teacher may not be further delegated. The suspension and/or termination shall be conducted in accordance with the requirements of the *School Act*. The Superintendent is also authorized to suspend or terminate non-certificated staff.

3. ~~The Superintendent is delegated the authority to develop administrative procedures that are consistent with provincial policies and procedures for the following program areas:~~

3.1. ~~Special Education~~

3.2. ~~Guidance and Counseling~~

3.3. ~~Services for Students and Children~~

3.4. ~~Student Evaluation~~

3.5. ~~Teacher Growth, Supervision and Evaluation~~

3.6. ~~Home Education~~

3.7. ~~Early Childhood Services~~

3.8. ~~Outreach Programs~~

3.9. ~~Locally Developed/Acquired and Authorized Junior and Senior High School Complementary Courses~~

3.10. ~~Knowledge and Employability Courses~~

3.11. ~~Off-Campus Education~~

3.12. ~~English as a Second Language~~

3.13. ~~French as a Second Language and French Language Immersion~~

3.14. ~~Alternative Programs~~

4. ~~The Superintendent is directed to develop an administrative procedure to fulfill Board obligations created by any federal legislation or provincial legislation other than the School Act.~~

Reference: Education Act: 52, 53, 202-219, 222 School Act: 19, 60-61, 95-96, 98, 101-102, 105-107, 109-110, 113 Collective Agreements: ATA, CAAMSE, IUOE	Approved: (signature)
	Date June 21, 2022 Approved:
Cross-Reference: Board Policy: 2, 12	Reviewed or June, 2022 Revised: December, 2020 March, 2017 September, 2010



Parkland School Division Board Policy 11

BOARD DELEGATION OF AUTHORITY

The School 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 61(2) of the School Act, cannot be delegated. This delegation of authority to the Superintendent specifically:

- Includes any authority or responsibility set out in the School 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 requires that any significant new provincial, regional or local obligations be brought to the Board for information and discussion.

Specifically

1. The Board reserves to itself the ability to make decisions on recommendations for the termination of a continuous 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*.
2. The Superintendent is authorized to suspend a teacher from the performance of the teacher's duties in accordance with sections 105(1) and 105(2) of the *School Act*. Further, the Superintendent is authorized to terminate the contract of employment for a teacher employed under a probationary, temporary or interim contract of employment, where such termination is made during the term of such contract. The power to suspend or terminate the services of a teacher may not be further delegated. The suspension and/or termination shall be conducted in accordance with the requirements of the *School Act*. The Superintendent is also authorized to suspend or terminate non-certificated staff.
3. The Superintendent is delegated the authority to develop administrative procedures that are consistent with provincial policies and procedures for the following program areas:
 - 3.1. Special Education
 - 3.2. Guidance and Counseling
 - 3.3. Services for Students and Children

- 3.4. Student Evaluation
- 3.5. Teacher Growth, Supervision and Evaluation
- 3.6. Home Education
- 3.7. Early Childhood Services
- 3.8. Outreach Programs
- 3.9. Locally Developed/Acquired and Authorized Junior and Senior High School Complementary Courses
- 3.10. Knowledge and Employability Courses
- 3.11. Off-Campus Education
- 3.12. English as a Second Language
- 3.13. French as a Second Language and French Language Immersion
- 3.14. Alternative Programs
- 4. The Superintendent is directed to develop an administrative procedure to fulfill Board obligations created by any federal legislation or provincial legislation other than the School Act.

Reference:	School Act: 19, 60-61, 95-96, 98, 101-102, 105-107, 109-110, 113 Collective Agreements: ATA, CAAMSE, IUOE	Approved:	(signature)
		Date Approved:	UNAPPROVED – Indicate Board Meeting Date
Cross-Reference:	Board Policy: 2, 12 Admin Procedure:	Reviewed or Revised:	March, 2017 September, 2010