

DATE: September 7, 2021

TO: Board of Trustees

FROM: Trustee Sherry Adams, Policy Review Committee
Trustee Michael Janz, Policy Review Committee
Trustee Bridget Stirling, Chair, Policy Review Committee

SUBJECT: Board Policy CHA.BP Board Delegation of Authority

ORIGINATOR: Karen Mills, Director Board and Superintendent Relations

RESOURCE STAFF: Kelsey Duebel, Rachel Foley, Nancy Petersen

REFERENCE: [Board Policy CH.BP – Framework for Policy Development and Review](#)

ISSUE

The Policy Review Committee is presenting Board Policy CHA.BP Board Delegation of Authority to the Board of Trustees (the Board) for first, second, third and final readings at the September 7, 2021, public Board meeting.

BACKGROUND

The Policy Review Committee (PRC) reviewed Board Policy CHA.BP Board Delegation of Authority as part of their 2020-2021 work plan. Changes were made to ensure alignment with the *Education Act* and reflect current practices.

RELATED FACTS

The revisions are related to delegation of authority between the Board and the Superintendent and, as the policy pertains to Board functioning, do not require public engagement. The following changes have been made to the policy:

- Updated references to legislation to ensure alignment with the *Education Act*.
- Clarification that the Board reserves to itself the authority to make decisions regarding contracts or agreements that have the potential for political sensitivity, harm or impact to the Division's reputation. This authority applies to contracts or agreements with partnerships or funding outside of typical operations or procurement processes that include, but are not limited to:
 - International funding sources, governments or organizations.
 - Other orders of government within Canada.
 - Policing, security or paramilitary organizations.
- Requirement for Board approval of new unanticipated expenditures that exceed \$1,200,000 and that have not been accounted for in the current annual budget.

RECOMMENDATIONS

That Board Policy CHA.BP Board Delegation of Authority be read for the first, second, third and final time and be approved.

**OPTIONS:**

Based on the information provided in this report, the following options are considered most appropriate:

1. Approve the first, second, third and final readings of Board Policy CHA.BP Board Delegation of Authority.
2. Decline to approve Board Policy CHA.BP Board Delegation of Authority for first, second and third readings and provide feedback to the Policy Review Committee.

NEXT STEPS

Upon approval, Board Policy CHA.BP Board Delegation of Authority will be posted to the Division website.

ATTACHMENTS and APPENDICES

ATTACHMENT I Board Policy CHA.BP Board Delegation of Authority

BS:rf

CODE: CHA.BP**EFFECTIVE DATE:** (22-05-2007)**TOPIC:** Board Delegation of Authority**ISSUE DATE:** (24-05-2007)**REVIEW YEAR:** (2014)

POLICY

1. In accordance with Section 52(1) of the *Education Act*, the Board authorizes the Superintendent of Schools to do any act or thing or exercise any power that the Board may or is required to do or exercise, except those matters which, in accordance with Section 52(4) of the *Education Act*, cannot be delegated.
2. Notwithstanding the above, the Board reserves to itself the authority to make decisions regarding contracts or agreements that have the potential for political sensitivity, harm or impact to the Division's reputation. This authority applies to contracts or agreements with partnerships or funding outside of typical operations or procurement processes that include, but are not limited to:
 - a. International funding sources, governments or organizations.
 - b. Other orders of government within Canada.
 - c. Policing, security or paramilitary organizations.
3. The Board reserves to itself the authority to make decisions regarding new unanticipated expenditures that exceed \$1,200,000 and have not been accounted for in the current annual budget.
4. In accordance with Section 52(5)(a) of the *Education Act*, the Board delegates authority to the Superintendent of Schools to suspend the services of a teacher under Sections 213(1) and (2) of the *Education Act*.
5. In accordance with Section 52(5)(b) of the *Education Act*, the Board delegates authority to the Superintendent of Schools to terminate the services of a teacher.
6. A decision of the Superintendent of Schools to suspend or terminate the services of a teacher is not appealable to the Board.
7. Pursuant to Section 95 of the *Freedom of Information and Protection of Privacy Act*, the Board designates the Superintendent as head of the Division for the purposes of the *Freedom of Information and Protection of Privacy Act*.
8. Notwithstanding the above, the Board also reserves to itself the authority to make decisions on specific matters requiring Board approval in accordance with Board policies.

REFERENCES

CH.BP Framework for Policy Development and Review
 FGB.BP Evaluation of Superintendent of Schools
Education Act Sections 52, 62, 213, 215
Freedom of Information and Protection of Privacy Act