

DATE: September 13, 2011

TO: Board of Trustees

FROM: E. Schmidt, Superintendent of Schools

SUBJECT: Delegation of Authority – Superintendent of Schools – 2011 Summer Recess

ORIGINATOR: T. Taylor, Director Executive and Board Relations

RESOURCE STAFF: Anne Sherwood

REFERENCE: Board Policy CHA.BP - Board Delegation of Authority
School Act, Sections 61(1), 65(2), 65(3) and 67(1)
Board Policy GB.BP - Authority for Personnel Decisions
Administrative Regulation GBA.AR - Designation, Appointment and Assignment to Leadership Positions

ISSUE

The Superintendent is obliged to report to the Board on decisions he has made under the Delegation of Authority from the Board for the summer recess on matters that would normally be brought to the Board.

BACKGROUND

The Board passed the following motion at the June 14, 2011 board meeting:

1. *That, in accordance with Sections 67(1), 65(2) and 65(3) of the School Act, any special board meetings during the 2011 summer recess be at the call of the Board Chair or, in his absence, the Board Vice-Chair.*
2. *That, in accordance with Section 61(1) of the School Act, effective June 15, 2011, delegation of authority to the Superintendent of Schools to make decisions during the 2011 summer recess on behalf of the Board be approved.*
3. *That a report of all such decisions be brought to the first board meeting in the fall of 2011.*

The following actions were taken by the Superintendent of Schools during the 2011 summer recess:

KEY POINTS

- The designation of Sherri Humphrys, as principal to the District, effective September 1, 2011 to August 31, 2013 was approved during the 2011 summer recess.
- The designation of Sunita Sas, as principal to the District, effective September 1, 2011 to August 31, 2013 was approved during the 2011 summer recess.

APPENDICES

APPENDIX I	Board Policy CHA.BP - Board Delegation of Authority
APPENDIX II	<i>School Act</i> , Sections 61(1), 65(2), 65(3) and 67(1)
APPENDIX III	Board Policy GB.BP - Authority for Personnel Decisions
APPENDIX IV	Administrative Regulation GBA.AR - Designation, Appointment and Assignment to Leadership Positions

AS:mmf

Edmonton Public Schools Board Policies and Regulations

CODE: CHA.BP

EFFECTIVE DATE: 22-05-2007

TOPIC: Board Delegation of Authority

ISSUE DATE: 24-05-2007

REVIEW DATE: 05-2014

1. The Board authorizes the Administration, under the direction of 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 61(1) of the *School Act*, cannot be delegated.
2. In accordance with Section 105(2) of the *School Act*, the Board authorizes the Superintendent of Schools to suspend the services of a teacher when the Superintendent of Schools is of the opinion that the welfare of students is threatened by the presence of the teacher.
3. In accordance with Section 61(1) of the *School Act*, the Board delegates authority to the Superintendent of Schools to suspend the services of a teacher under Section 105(1) of the *School Act*.
4. In accordance with Section 61(1) of the *School Act*, the Board delegates authority to the Superintendent of Schools to terminate the services of a teacher.
5. A decision of the Superintendent to suspend or terminate the services of a teacher is not appealable to the Board.
6. 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 and practices.

Reference(s):

[CH.BP](#) - Policy Development and Review
[School Act](#) Sections 61(1) and 105(1)

RSA 2000
Chapter S-3
SCHOOL ACT

Delegation of power

61(1) The board may authorize by resolution

- (a) any of its employees,
- (b) a committee of the board or that is established by the board,
- (c) a school council, or
- (d) a joint committee established under section 63, to do any act or thing or exercise any power that the board may or is required to do or exercise subject to the directions and limitations set out in the resolution, except for those powers referred to in subsection (2).

(2) The board shall not delegate

- (a) the power to make a bylaw under this Act,
- (b) the power to close a school or school building under section 58,
- (c) the power to requisition from a municipality that the board may have from time to time, and
- (d), (e) repealed 2004 c26 s4,
- (f) the power to hold a hearing under section 104.

(3) Notwithstanding subsection (1), the board shall not delegate, except to the superintendent,

- (a) the power to suspend the services of a teacher, or
- (b) the power to terminate the services of a teacher.

RSA 2000 cS-3 s61;2004 c26 s4

Avoiding duplication of functions

61.1(1) In this section,

- (a) “board function” means any matter under this Act in respect of which the board is empowered or otherwise obligated to carry out any act or thing or to exercise any power;
 - (b) “party” means an employee, committee, school council or joint committee referred to in section 61(1);
 - (c) “subordinate function” means anything that is required under this Act to be carried out by a party in relation to or in support of the board carrying out a board function.
- (2)** Where a party is authorized under section 61 to carry out a board function, the board may excuse that party from carrying out a subordinate function that relates to that board function.

2004 c26 s5

Chair

- 65(1)** At the organizational meeting, and afterwards at any time as determined by the board, the board shall elect one of its members as chair and another as vice-chair to hold office during the pleasure of the board.
- (2)** If the chair through illness or other cause is unable to perform the duties of the chair’s office or is absent, the vice-chair has all the powers and shall perform all the duties of the chair during the chair’s inability to act or absence.
- (3)** If both the chair and the vice-chair through illness or other cause are unable to perform the duties of the office or are absent, the board shall appoint from among its members an acting chair, who on being so appointed has all the powers and shall perform all the duties of the chair during the chair’s and vice-chair’s inability to act or absence.

1988 cS-3.1 s49

Regular meetings

- 66(1)** The board shall hold as many regular meetings as it considers necessary to deal adequately with its business.
- (2)** The resolution of the board establishing the regular meetings of the board shall state the date, time and place of the regular meeting.
- (3)** The board is not required to give notice of the regular meetings of the board.

1988 cS-3.1 s50

Special meetings

- 67(1)** A special meeting of a board may be called by
- (a) the chair of the board,
 - (b) a majority of the trustees, or
 - (c) the Minister,
- after written notice has been given to each trustee in accordance with subsection (2).
- (2)** A notice of a special meeting shall state
- (a) the date, time and place of the special meeting, and
 - (b) the nature of the business to be transacted at the special meeting.
- (3)** The notice of the special meeting shall be
- (a) sent by registered mail to each trustee at least 7 days before the date of the meeting, or
 - (b) personally served at least 2 days before the date of the meeting on
 - (i) the trustee, or
 - (ii) a responsible person at the trustee's residence.
- (4)** Notwithstanding subsections (1) to (3), a special meeting may be held without notice being given under this section if every trustee agrees to waive the requirements of subsections (1) to (3).

- (5)** Unless all the trustees are present at the special meeting, no business other than that stated in the notice of the special meeting shall be transacted at the special meeting.

1988 cS-3.1 s51

Edmonton Public Schools Board Policies and Regulations

CODE: GB.BP	EFFECTIVE DATE: 27-01-2009
TOPIC: Authority for Personnel Decisions	ISSUE DATE: 29-01-2009
	REVIEW DATE: 01-2014

- A. Under the Board's general delegation of authority to the Superintendent of Schools, which includes the power to sub-delegate to members of the Administration, and subject to section B of the policy, the Superintendent of Schools will establish, approve and review annually, a document which outlines the authority to employ, appoint, determine grid placement, suspend, demote, terminate employment, terminate designation, accept resignations and retirements and approve leaves of absences for all district staff.
- B. The Board retains the authority for the designation of principals to the district, the confirmation of principals in their designation and the designation or appointment of exempt management other than supervisors and managers.

Reference(s):

[CHA.BP](#) - Board Delegation of Authority

[GBA.AR](#) - Designation, Appointment and Assignment to Leadership Positions

[GCAA.AR](#) - Teacher Contracts

Edmonton Public Schools

Board Policies and Regulations

CODE: GBA.AR	EFFECTIVE DATE: 28-09-2007
TOPIC: Designation, Appointment and Assignment to Leadership Positions	ISSUE DATE: 31-09-2007 REVIEW DATE: 09-2012

1. DEFINITIONS

- a. Designation or designated refers to a leadership position given to an individual who holds a teacher contract.
- b. Appointment or appointed refers to a leadership position given to an individual who does not hold a teacher contract.
- c. Assignment or assigned refers to the location or area of responsibility of those designated or appointed to leadership positions.

2. DESIGNATIONS

- a. Principals are designated by the Board of Trustees for a two-year term prior to designation by the Board of Trustees for an indefinite term and are assigned by the Superintendent of Schools.
- b. Assistant Principals designated by the Board of Trustees prior to 1996-1997 continue to hold the designation of Assistant Principal until the designation is terminated.
- c. Exempt management staff who hold a teacher contract and are designated as Assistant Superintendent, Managing Director, or Director are designated for a three-year term.
- d. Exempt management staff who hold a teacher contract and are designated as Supervisor are designated for a one-year term.
- e. All designations not included in 2. a., b., c., or d. above are for a one-year term.

3. APPOINTMENTS

Exempt management staff who do not hold a teacher contract are appointed for an indefinite term.

Reference(s):

[GAA.BP](#) – Human Resources Framework
[GB.BP](#) - Authority for Personnel Decisions
[School Act](#) Sections 19 and 96