



Policy 2.21  
Charter Board Governance and Operations

**Board Delegation of Authority**

**BACKGROUND**

*Section 52* of the *Education Act* allows for the Board to delegate certain of its responsibilities and powers to others.

**POLICY STATEMENT**

*Section 222(1)* of the *Education Act* states that subject to the regulations, a board shall appoint an individual as a superintendent of schools. *Section 222(4)* states that the superintendent shall carry out the duties assigned to the superintendent by the board. The CAPE Board of Directors authorizes the Superintendent to complete any action or task that the Board may or is required to do and/or exercise any power the Board may exercise, except those matters which, in accordance with *Section 52* of the *Education Act*, cannot be delegated.

A Board is required to appoint a Secretary or Treasurer or Secretary-Treasurer to be responsible for the financial operations of the jurisdiction. In accordance with CAPE Charter Board policy, the *Education Act*, and the requirements of Alberta Education, the Secretary-Treasurer is responsible for the financial operations of the school. The CAPE Board of Directors authorizes the Secretary-Treasurer to complete any action or task that the Board may or is required to do and/or exercise any power the Board may exercise, except those matters which, in accordance with *Section 52* of the *Education Act*, cannot be delegated so that the Board of Directors can meet its financial obligations to all stakeholders.

The *Education Act* states that a Board is to provide a continuum of supports and services to students that is consistent with the principles of inclusive education. A Board is also required to provide each resident and enrolled student with identified special education needs with access to a special education program. Parents have a right and responsibility to work with boards to ensure their children's special education needs are met, subject to limitations based on reasonableness in each circumstance. In every case, the best educational interest of the student is the paramount consideration for decision-making and programming. The CAPE Board of Directors authorizes the Director of Student Services to complete any action or task that the Board may or is required to do and/or exercise any power the Board may exercise, except those matters which, in accordance with *Section 52* of the *Education Act*, cannot be delegated so that the Board can meet its obligations to students and parents.

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This delegation of authority to the Superintendent, the Secretary-Treasurer and the Director of Student Services specifically includes:

- 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;
- the ability to enact Administrative Procedures, practices or regulations required to carry out this authority; and
- the ability to sub-delegate this authority and responsibility as required.

Notwithstanding the above, the CAPE Board of Directors reserves to itself the authority to make decisions on specific matters requiring the CAPE Board of Directors approval. This reserved authority of the CAPE Board of Directors is set out in Board policies, and is amended from time to time.

Further, the CAPE Board of Directors requires that any new provincial, regional or local initiatives must be initially brought to the Board for discussion and determination of decision-making authority.

**DEFINITIONS**

1. **Delegation** - the act of giving someone authority or responsibility for certain decisions or actions.
2. **Powers** - the ability to do something or act in a particular way.
3. **Authority** - the power to give orders or make decisions.
4. **Regulation** - an official rule.
5. **Legislation** - a law or a set of laws that have been passed by a government.

**GUIDELINES**

6. The CAPE Charter Board shall not delegate
  - 6.1 the power to make a bylaw under this Act,
  - 6.2 the power to close a school or school building under section 62,
  - 6.3 the power to requisition from a municipality that the board may have from time to time, or
  - 6.4 the power to hold a hearing under section 212.
7. The CAPE Charter Board may authorize any of its employees, a committee of the board or a committee established by the board, or the School Council, to do any act or task or exercise any power that the board may do or exercise or is required to do or exercise through a resolution of the board.

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8. The Superintendent is directed to develop an administrative procedure to fulfill the CAPE Charter Board obligations created by any federal legislation or provincial legislation, other than the *Education Act*.
9. The Superintendent is delegated the authority to develop Administrative Procedures that are consistent with the *Education Act*, Regulations, provincial policies and procedures.
10. The Superintendent is authorized to develop and implement codes of conduct that apply to students and staff, including definitions of breaches and sanctions, in accordance with principles set out by the Minister in the *Education Act*.
11. The Superintendent is authorized to appoint principals, vice-principals, associate vice-principals, department leads, or team leads as required for the operation of the school and the delivery of the CAPE program as defined in the CAPE charter.
12. The Superintendent is granted signing authority on employment contracts, consulting contracts, service contracts, and other contracts as required for the operation of the school and the delivery of the CAPE program as defined in the CAPE charter.
13. As per Division 3.1 of the Education Act, the CAPE Charter Board delegates to a Superintendent employed by the board,
  - 13.1 the power to suspend the services of a certificated or non-certificated employee,
  - 13.2 the power to terminate the services of a certificate or non-certificated employee,
  - 13.3 the power to terminate the designation of a certificated employee in a position of leadership.
14. The Superintendent is authorized to suspend a certificated or non-certificated employee from the performance of the employee's duties without prior notice if the Superintendent of Schools is of the opinion that the welfare of the students is threatened by the presence of the employee. The suspension shall be conducted in accordance with the requirements of the *Education Act*.
15. In the case of a termination of a contract of employment for a teacher, the Superintendent shall 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*.
16. The Superintendent of Schools is authorized to terminate the contracts of non-certificated staff in accordance with the Employment Standards Code which is outlined in the Employment Standards Guide and any other pertinent agreements that may exist.

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17. The Board authorizes a line of credit to meet current expenditures in the fiscal year.
18. The CAPE Charter Board authorizes the Superintendent to approve expenditures that are within budget and address the charter school program, the educational needs of the students and the school community, and the health and wellness of the school community.
19. The CAPE Charter Board authorizes the Secretary-Treasurer to make board-approved changes or additions to insurance, group benefits, and existing leases such as iPads and photocopier.
20. The CAPE Charter Board authorizes the Secretary-Treasurer to report on such items as Capital/IMR spending as required by regulations and legislation.
21. The CAPE Charter Board authorizes the Secretary-Treasurer to enter into contractual agreements with board-approved sole-source vendors, as well as enter into board-approved fixed-term contracts on behalf of the CAPE Charter Board.
22. The CAPE Charter Board authorizes the Secretary-Treasurer to address any banking processes such as electronic payments, direct deposits, change in line of credit, accounts types, and any other item pertaining to banking.
23. The CAPE Charter Board authorizes the Secretary-Treasurer to delegate accounting tasks and to supervise the work of the designated individual.
24. The CAPE Charter Board authorizes the Director of Student Services to enter into contractual agreements with mental health providers as well as occupational, physical, and other therapies, speech and language services, and any other agreement required in order to support students that fall within approved budgets.
25. The CAPE Charter Board authorizes the Director of Student Services to purchase required assessment protocols/supplies that fall within approved budgets.
26. The CAPE Charter Board authorizes the Director of Student Services to sign any Department of Education documents relating to Special Education.
27. The CAPE Charter Board authorizes the Director of Student Services to supervise the work of students in the counselling, mental health, and related fields.

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**References:**

*Education Act*

*Charter Schools Regulation*

*CAPE charter*

*CAPE ByLaws*

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