



Commission scolaire English-Montréal
English Montreal School Board

BY-LAW NO. 10 **DELEGATION OF POWERS**

NOTE: The masculine gender, when used in this document, refers to both women and men. No discrimination is intended, it is used solely to simplify the text.

PREAMBLE

The English Montreal School Board (EMSB) is a public body constituted under the *Education Act* (R.S.Q., c. I-13.3). The *Education Act* assigns powers, duties and responsibilities to, among others, the Council of Commissioners, the **Administration** and the Principals of the schools and centres. It also assigns general functions, responsibilities or duties to the School Board that cannot be delegated.

Section 174 of the *Education Act* gives the Council of Commissioners the power to delegate some of its functions and powers to the Director General, the Assistant Directors General, a school/centre Principal or Service/Department Director. Functions and powers may also be delegated to the Executive Committee, a Governing Board, or a School Board Committee, such as the Resource Allocation Committee. However, the Council of Commissioners retains powers that it has not delegated. It also retains the powers expressly assigned to it by the *Education Act* in sections 9 to 12, 155.1, 162, 168, 169, 170, 172, 174, 175, 175.1, 176.1, 179, 186, 193.1, 200 and where the legislator specifically uses the term "Council of Commissioners".

In addition, it should be noted that certain sections of the *Education Act* assign general functions, responsibilities or duties to the School Board. Although they use the term "School Board", they are not among the powers that can be delegated. Indeed, powers such as "receive", "organize", the words "ensure" or "transmit" are general functions, responsibilities or duties assigned to the School Board and are not powers involving actual and discretionary decision making by the **Administration**. They are non-discretionary obligations of the School Board and therefore cannot be delegated.

The powers delegated by the Council of Commissioners imply a real discretion on the part of the delegate to whom the power is attributed and not a simple execution of a decision already taken, which is more a matter of day-to-day management.

Finally, the present By-Law shall be read in conjunction with By-Law No. 11 (*Internal Governance*) which sets out the roles and defines the mandates of the different actors and bodies composing the Council of Commissioners as well as the **Senior Executive Staff Members** and **Senior Staff Members** in order to promote their accountability.

Sub-Delegation Prohibited

Delegated powers cannot be sub-delegated. Accordingly, the Director General, an Assistant Director General or any other member of the **Administration** may not assign to another person a power delegated to him under the present By-Law.

Day-to-Day Management

In general, the Council of Commissioners reserves the right to establish major administrative frameworks such as the School Board's orientations, policies, regulations, budget and control procedures. The Director General is responsible for defining the administrative standards and procedures that ensure the proper functioning of the School Board.

Pursuant to sections 201 and 202 of the *Education Act*, the Director General is responsible for the day-to-day management of the activities and resources of the School Board. He ensures that the decisions of the Council of Commissioners are carried out, and performs the tasks assigned to him by the Council.

Pursuant to section 203 of the *Education Act*, the Assistant Directors General assist the Director General in the exercise of his duties and powers under his authority. Pursuant to section 260 of the *Education Act*, the personnel required for the operation of the School Board shall perform their duties under the authority of the Director General and the personnel assigned to a school/centre shall perform their duties under the authority of the Principal.

In the exercise of his day-to-day management, an Immediate Superior may assign to an employee under his authority certain responsibilities that he possesses and that do not derive from powers delegated by this By-Law. The administrative acts related to the positions held by the employees or expressly provided for by law are not subject to any delegation and shall be exercised by the employees concerned in accordance with the legislative and administrative frameworks in force, in order to ensure the proper functioning of each department or service of the School Board.

VALUES OF THE SCHOOL BOARD

The redaction of this By-Law is consistent with the School Board's statement of values, as well as the principles of good governance and delegation of authority. These statements and principles are intended to guide the interpretation and application of the present By-Law. The following affirmations illustrate the values to be considered in the delegates' reflections:

Respect

Respect consists in giving a second look, when required, on a given issue so as not to unnecessarily offend the persons or parties concerned.

Equity

Equity is different from equality. Equity is defined as "the fair assessment of what is owed to each person" while equality advocates uniform and undifferentiated treatment for all.

Responsibility

Responsibility means making a commitment, acting as the owner of the dossier and making the choices that must be made in order to pursue the School Board's mission.

Courage

It is to prefer research, reflection and judgment over opinion and perception; it is to risk the confrontation of ideas; it is to challenge presuppositions and actions that lack reflection, awareness or sensitivity to context.

PRINCIPLES OF GOVERNANCE

Accountability

Administration has latitude in the exercise of its functions and powers. Responsible management also refers to the commitment and consideration of the consequences of the choices that are made and the decisions that are taken.

Decentralization

The School Board tends to make the **Administration** more autonomous by delegating certain functions and decision-making powers to its members. The principle does not, however, exclude the concentration of activities because of a concern for uniformity in certain aspects of management.

Proximity

Since no one is better placed than the one closest to the locus of activity, depending on the circumstances, the proximity of a decision makes it possible to evaluate, in order to judge best, the just appreciation of what is due to each person (equity), at the same time as it allows for further validation so as not to offend unnecessarily (respect).

Trust

Trust is a necessary foundation, a condition for the implementation of the values of the School Board. The principle presupposes that the member of the **Administration** who will have to make a decision at the closest level will be able to do so without always first obtaining the assent of the School Board. A corollary to the principle of trust is the importance of understanding and tolerance when a mistake is made in good faith in the spirit of a learning organization.

PRINCIPLES OF DELEGATION OF POWERS

Efficiency

The efficient management of the School Board and the need to respond to issues in a timely fashion require the Council of Commissioners to entrust certain powers and duties to **Administration** while concurrently maintaining accountability.

Empowerment

Part of the power of decision and action is transferred to the actor directly concerned in order for him to acquire control of the means that enable him to make better use of his resources and strengthen his autonomy of action.

Judgment

The delegate shall have the ability and opportunity to exercise judgment on the best decision to make in the circumstances. Thus, he shall have the relevant information, the necessary means and the appropriate scope for action. He shall be able to base his judgment on the trust and benevolent treatment of the delegating authority.

Relevance

Functions and powers must be exercised by the authority most relevant to the issues at stake and their purpose, and this, in accordance with the principles previously stated. Thus, while it is recognized that functions and powers of a political, normative or regulatory nature, as well as structuring decisions, are generally the responsibility of the Council of Commissioners, administrative acts relating to the day-to-day management of the School Board are the prerogative of the **Administration**.

Subsidiarity

The *Education Act* defines the principle of subsidiarity as "the principle that powers and responsibilities should be delegated to the appropriate level of authority with a view to achieving an appropriate distribution of decision-making centres and with a view to bringing them as close as possible to the students or communities concerned". As such, powers and responsibilities shall be delegated to the appropriate level of authority so that decision making powers are adequately distributed and brought closest to those directly concerned by that action.

LEGAL FRAMEWORK

In addition to the *Education Act*, the legislative basis for this By-Law emanates from various provincial laws and their corresponding regulations and/or directives, as well as EMSB's By-Laws and Policies, including, but not limited to:

Provincial Legislation:

- *Act Respecting Access to Documents held by Public Bodies and the Protection of Personal Information* (R.S.Q., c. A-2.1)
- *Act respecting contracting by public bodies* (R.S.Q., c. C-65.1) (the "LCOP")
- *Act respecting the Autorité des marchés publics* (R.S.Q., c. A-33.2.1) (the "LAMP")
- *Act respecting workforce management and control within government departments, public sector bodies and networks and state-owned enterprises* (R.S.Q., c. G-1.011) (the "LGCE")
- *Regulation respecting certain service contracts of public bodies* (R.S.Q., c. C-65.1, r.4) (the "RSC")
- *Regulation respecting certain supply contracts of public bodies* (R.S.Q., c. C-65.1, r.2) (the "RGC")
- *Regulation respecting construction contracts of public bodies* (CQLR, c. C-65.1, r.5) (the "RCC")
- *Regulation respecting contracting by public bodies in the field of information technologies* (CQLR, c. C-65.1, r. 5.1) (the "RITC")
- *Directive of the Treasury Board concernant la gestion des contrats d'approvisionnement, de services et de travaux de construction des organismes publics* (the "DGCOP")
- *Directive of the Treasury Board concernant la reddition de comptes en gestion contractuelle des organismes publics* (the "DRCGC")

EMSB By-Laws and Policies:

- By-Law No. 11: *Internal Governance*
- Policy DG-15: *Tendering Process*
- Policy DG-16: *Purchasing*
- Policy DG-26.1: *To facilitate the disclosure of wrongdoings*

GENERAL PROVISIONS

1. The preamble is an integral part of the By-Law.
2. The Council of Commissioners delegates its powers to the Executive Committee, the **Senior Executive Staff Members**, the **Senior Staff Members** and the **Administration**, in accordance with the provisions set out below and as specified in the attached Allocation Chart, which forms an integral part of the By-Law.
3. Where a power has been delegated, the Council of Commissioners may not exercise the power itself unless the said delegation is revoked.
4. Unless otherwise specially delegated in the Allocation Chart, the Council of Commissioners delegates all functions conferred on the Chief Executive Officer as per the LGCE and the LCOP to the Director General.
5. The delegate shall be accountable for actions taken under this By-Law. The Director General is accountable to the Council of Commissioners for all decisions or actions undertaken pursuant to the present By-Law and shall report, at a minimum, on a quarterly basis. The Assistant Directors General, **Senior Staff Members** and other members of the **Administration** referred to in this By-Law are accountable to the Director General for all decisions or actions undertaken pursuant to the present By-Law and must report, as required by the Director General.
6. None of the actions taken pursuant to this By-Law shall result in expenditures beyond those accepted in the adopted budgets.
7. All expenses of the School Board shall be done in conformity with the guidelines, parameters and directives established by the MEQ. The delegate has the power to require from the schools/centres and Services/Departments any information or document deemed necessary for the exercise.
8. The delegate has the power to form committees related to the exercise of its delegated jurisdiction.
9. The delegate shall carry out the consultations necessary for the exercise of its delegated jurisdiction.

10. The delegate may request any recommendation or report relevant to the exercise of its jurisdiction.
11. Acts under this By-Law shall be done in accordance with applicable laws and regulations, as well as in accordance with the regulations and policies of the School Board and collective agreements. In the event of any conflict, contradiction or inconsistency between the provisions of the present By-Law and any provisions of the EMSB policies and/or procedures, the provisions of the present By-Law shall prevail. In any other cases, such as duplication or repetition, the EMSB policies and/or procedures shall be read in conjunction with the present By-Law and be interpreted and adapted in conformity with the guidelines and principles established in the present By-Law.
12. Where a monetary value is set out in this By-Law as part of a benefit or agreement, jurisdictional thresholds shall be based on the overall value of the benefit or agreement, exclusive of taxes.
13. Contracts with no monetary value and counterpart risks for the School Board shall be under the delegation to the Director General, unless otherwise specified herein.
14. Contracts that do not involve public funds expenditures shall be under the delegation to the Director General, unless otherwise specified herein.
15. Contracts, other than those provided for in the Allocation Chart, will abide by the same amounts delegated in relation with the service contracts (sections 115 & 115.1).
16. In the event that the Director General is unable to act, his delegated authority shall be exercised by the Assistant Director General designated by the Council of Commissioners.
17. In the event that an Assistant Director General is unable to act, his delegated authority shall be exercised by the Assistant Director General designated by the Council of Commissioners, the Director General or the person designated by the Director General.
18. In the event that a **Senior Staff Member** is unable to act, his delegated authority shall be exercised by his immediate supervisor.
19. The delegation of authority implies full and complete jurisdiction over the functions and powers delegated to members of the **Administration**, including all necessary acts resulting from their exercise (representation, negotiation, signature, payment, etc.).

DEFINITIONS, ABBREVIATIONS AND ACRONYMS

In this By-Law, the use of the bold interface identifies the terms defined in this section as follows:

Administration: Globally refers to the Director General, the Assistant Directors General, the **Senior Staff Members** as well as any other administrators under their authority, including namely Vice-Principals, Assistant Directors, Coordinators and Managers.

Chief Executive Officer: Refers to the Council of Commissioners, to the exception of the parts of the functions conferred on the Chief Executive Officer delegated expressly to the Director General.

MEQ: Refers, for the purpose of the present By-Law, to the ministre or Ministère de l'Éducation du Québec and is designated as MEQ.

Senior Executive Staff Member: Refers to the Director General and the Assistant Directors General.

Senior Staff Member: Means an administrator, a senior staff administrator in a school or a senior staff administrator in a centre. For the purposes of this By-Law, it refers to the Schools and Centres Principals (**Senior Staff Members - In-School Administrators**), the Directors of Services and/or Departments of the School Board and includes namely the Sector Directors and the Secretary General (**Senior Staff Members - Administrators**).

For the purposes of the present By-Law, these abbreviations and acronyms have the following meaning:

ABBREVIATIONS			
AD	Assistant Director of Service/Department	ITS	Information Technology Services
ADG	Assistant Director General	LS	Legal Services and Compliance
D	Director of Service/Department	MR	Material Resources Department
DG	Director General	P	Principal in a School/Centre
ES	Educational Services	SDAEVS	Sector Director - Adult Education and Vocational Services
EXEC.	Executive Committee	SDE	Sector Director – Elementary Schools
FS	Financial Services	SDHS	Sector Director – High Schools
HR	Department of Human Resources and Talent	SG	Secretary General
IA	Internal Audit	SOS	School Organization Services
IMM. SUP.	Immediate Superior	SS	Student Services Department
		VP	Vice-Principal in a School/Centre

ACRONYMS			
EA	Education Act	LFRNR	Loi favorisant le respect de la neutralité religieuse de l'État et visant notamment à encadrer les demandes d'accommodements pour un motif religieux dans certains organismes
DRC	Directive concernant la reddition de comptes en gestion contractuelle des organismes publics	LGCE	Loi sur la gestion et le contrôle des effectifs des ministères, des organismes et des réseaux du secteur public ainsi que des sociétés d'État
DGCOP	Directive concernant la gestion des contrats d'approvisionnement, de services et de travaux de construction des organismes publics	LGGRI	Loi sur la gouvernance et la gestion des ressources informationnelles des organismes publics et des entreprises gouvernementales
DGR	Directive concernant la gestion des risques en matière de corruption et de collusion dans les processus de gestion contractuelle	RCA	Règlement sur certains contrats d'approvisionnement des organismes publics
LAMP	Loi sur l'autorité des marchés publics	RCS	Règlement sur certains contrats de service des organismes publics
LCOP	Loi sur les contrats des organismes publics	RCTC	Règlement sur les contrats de travaux de construction des organismes publics
LFDAR	Loi facilitant la divulgation d'actes répréhensibles à l'égard des organismes publics	RCTI	Règlement sur les contrats des organismes publics en matière de technologies de l'information

STRUCTURE OF THE DELEGATION OF POWERS

In order to facilitate the comprehension and the application of the present By-Law, the powers and authority delegated are classified into nine major categories as follows:

- CHAPTER I: General functions and powers of the School Board
- CHAPTER II: Powers related to Schools and Centres
- CHAPTER III: Powers related to Governing Boards
- CHAPTER IV: Powers related to the management of Educational Services
 - i) Implementation of the basic school regulation and derogations
 - ii) Organization of educational services
 - iii) Evaluation of students' learning
 - iv) Students' enrolment
 - v) School attendance

- CHAPTER V: Powers related to the management of School Organization
 - i) School transportation
- CHAPTER VI: Powers related to community services
- CHAPTER VII: Powers related to the management of Human Resources
 - i) Hire, appointment, assignment, termination of employment
 - ii) Leaves
 - iii) Labour relations
- CHAPTER VIII: Powers related to the management of Financial Resources
- CHAPTER IX: Powers related to the management of Material Resources of the School Board
 - i) Conclusion of contract
 - ii) Functions of the Chief Executive Officer (LCOP, LGCE)
 - iii) Functions of the Chief Executive Officer (RCA, RCS, RCTC, RCTI)
 - iv) Functions of the Chief Executive Officer (DGCOP)
 - v) Functions of the Chief Executive Officer (DGR)
 - vi) Functions of the Chief Executive Officer of the public body under the LAMP
 - vii) Management of movable and immovable property

ALLOCATION CHART

CHAPTER I: GENERAL FUNCTIONS AND POWERS OF THE SCHOOL BOARD							
	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
1.	Establish an Advisory Committee on Management (CMAC) / Resource Allocation Committee (RAC)	EA 183, 193.2, 193.3		X			
2.	Designate employees to the various School Board committees			X			
3.	Exercise the functions and powers set out in the LFRNR, to be conferred on the person with the highest administrative authority within the organization	LFRNR 17		X			
4.	Designate an accommodation officer in matters of religious accommodation	LFRNR 17		X			
5.	Exercise the functions and powers set out in the LFDAR, to be conferred on the highest ranking administrative official within the organization	LFDAR 13		X			
6.	Designate an officer responsible for dealing with disclosures	LFDAR 13		X			
7.	Designate an Information Security Officer (<i>Responsable de la sécurité de l'information</i> (RSI))	LGGRI		X			
8.	Designate one or multiple Incident Management Coordinator (<i>Coordonnateur sectoriel de la gestion des incidents</i> (CSGI))	LGGRI		X			
9.	Claim the value of the property damaged or destroyed by a student from the student's parents if the student is a minor, or from the student if the student is of full age	EA 18.2					P
10.	In legal proceedings: (excluding matters relating to labour relations disputes such as: grievances, arbitrations and other proceedings under labour laws or regulations on working conditions)	EA 73,108, 177.2, 196					
10.1	Initiate legal proceedings on behalf of the School Board, when the value is:			X more than \$25,000		D.LS \$25,000 and less	

	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
10.2	Appoint an external legal counsel for any legal related matters, including legal representation, legal opinion					D.LS	
10.3	Defend, intervene in any legal matters, regardless of the value in dispute					D.LS	
10.4	Settle out of court any legal matters, when the value in dispute is:			X More than \$25,000		D.LS \$25,000 and less	
11.	Enter, on behalf of the School Board, a culpability plea to a penal infraction and the payment of the fine attached to it, when the value in dispute is:			X More than \$25,000		D.LS \$25,000 and less	
12.	Affiliate the School Board with administrative bodies			X			
13.	Take any measure requiring immediate action, including authorizing expenses to ensure the safety of students, employees and the general public, or the continued functioning of the School Board's establishments (schools and centres) property and services, including any derogation from a policy and/or procedure of the School Board when the urgency of the situation or the real impossibility of acting justifies it in the circumstances			X			
14.	Conclude any agreement or contract relating to the application of the <i>Access to Information Act</i>					SG	
CHAPTER II: POWERS RELATED TO SCHOOLS AND CENTRES							
15.	Request a school/centre to provide a general education program to students enrolled in a vocational training program provided by a vocational training centre or by an enterprise that meets the conditions determined by the MEQ	EA 38, 98, al. 1		X			
16.	Request a vocational training centre to provide a general education program	EA 98, al. 2				SDAEVS	
17.	Suspend services and activities in schools/centres in emergency situations and close them, if necessary			X			
18.	Give formal notice to an institution that refuses to comply with the <i>Education Act</i> or with a regulation of the Government, the MEQ or the School Board; failing that, take appropriate action to ensure compliance with the <i>Education Act</i> and the regulations, such as substituting its decisions for the decisions of the institution	EA 218.2		X			

CHAPTER III: POWERS RELATED TO GOVERNING BOARDS							
	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
19.	Receive and approve, for the School Board, a draft contract of a Governing Board for the provision of goods and services					SG	
20.	Indicate to the Governing Board, for draft service and supply contracts referred to in sections 90 and 110.3 of the <i>Education Act</i> its disagreement on the ground of non-compliance with the applicable laws and standards	EA 91, 110.4				SG D.MR D.ES D.HR D.LS	
21.	Determine the number of parents' representatives and staff representatives on a school's/centre's Governing Board	EA 43				SG	
22.	Vary the rules governing the composition of the Governing Board where fewer than 60 students are enrolled in a school/centre	EA 44				SG	
23.	Determine the number of the other representatives of each group on the Governing Board of a centre	EA 103				SG	
24.	Appoint to the Governing Board of a centre representatives from socio-economic and community groups and from within enterprises	EA 102				SDAEVS	
25.	Order that the functions and powers of the Governing Board be suspended and that they be exercised by the principal of the school/centre, and determine the suspension period when after three consecutive notices have been sent at intervals of at least seven days, the Governing Board is unable to hold a meeting for lack of a quorum	EA 62		X			

CHAPTER IV: POWERS RELATED TO THE MANAGEMENT OF EDUCATIONAL SERVICES							
	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
26.	Enter into an agreement with another school board or a school service centre, a body or a person if the School Board is unable to provide instructional services at the elementary and secondary level such as student services, literacy services, popular education services	EA 209, 213			X		
4.1 Implementation of the basic school regulation and derogations							
27.	Accept requests for exemptions from the basic school regulation, for humanitarian reasons or to avoid serious harm to a student, with respect to the admission of students to school and attendance	EA 222, 246				D.ES	
28.	Apply to the MEQ for an exemption from the rules governing the certification of studies	EA 222, 460		X			
29.	Permit a departure from a provision of the basic school regulation so that a special school project may be carried out	EA 222				D.ES	
30.	Exempt a student who needs special support services in the language of instruction, second language or mathematics program from a subject prescribed by the basic school regulation	EA 222.1, 223				D.ES	
31.	Allow a school to replace a program of studies established by the MEQ by a local program of studies	EA 222.1		X			
4.2 Organization of educational services							
32.	Develop and offer programs of studies leading to an occupation or a profession and award an attestation of qualification	EA 223, 246.1		X			
33.	Enter into an agreement, for the provision of instructional services at the preschool, elementary or secondary level, with another school board, a school service centre or an educational body in Canada which provides educational services equivalent to those referred to in the <i>Education Act</i>	EA 213			X		
34.	Establish a program for each student service and special educational service contemplated in the basic school regulation in general education in the youth sector	EA 224				D.ES D.SS	
35.	Enter into an agreement with another school board, a school service centre, a body or a person for the provision of student services and special educational services	EA 213			X		

	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
36.	Establish a program for each student service and popular education service provided for in the basic regulation in vocational training and adult education centres	EA 247				D.ES	
37.	Enter into an agreement for the provision of literacy services and popular education services	EA 213			X		
38.	Enter into an agreement with enterprises, including on-the-job training and apprenticeship programs	EA 213				ES	
39.	Enter into an agreement with any person or body with regard to the contents of the programs in those matters which do not come under the jurisdiction of the MEQ	EA 224			X		
40.	Enter into an agreement with government departments and other outside bodies to carry out projects for which the School Board has received a specific grant				X		
4.3 Evaluation of students' learning							
41.	Determine the subjects for which internal examinations will be imposed at the end of each cycle of the elementary level and at the end of the first cycle of the secondary level	EA 231, 232				D.ES	
42.	Impose internal examinations in the subjects in which no examination is imposed by the MEQ and for which credits are compulsory for the issue of a secondary school diploma or a vocational training diploma	EA 249					P
43.	Recognize, in accordance with the criteria or conditions established by the MEQ, the learning acquired by a student otherwise than as prescribed in the basic school regulation	EA 232				D.ES	
4.4 Students' enrolment							
44.	Approve student transfers between schools within the School Board, in accordance with enrolment criteria	EA 239, 240				SDE SDHS	
45.	Approve of interboard agreements	EA 213, al. 4				SDE SDHS	
46.	Admit the child to preschool education for the school year in which he attains 5 years of age, or admit him to elementary school education for the school year in which he attains 6 years of age. Admit to elementary school education a child admitted to preschool education who has attained 5 years of age	EA 241.1				D.SS	
47.	Establish rules governing promotion from elementary school to secondary school and from the first cycle to the second cycle of the secondary level	EA 233				D.ES	

4.5 School attendance							
	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
48.	Exempt a student from compulsory school attendance by reason of illness or for the purpose of receiving medical treatment or care required by his state of health	EA 15				D.SS	
49.	Exempt a student from compulsory school attendance at the request of his parents by reason of a physical or mental handicap which prevents him from attending school	EA 15				D.SS	
50.	Determine for homeschooled students the terms and conditions for free access to student services, premises, textbooks, instructional material, examinations imposed by the MEQ and examinations imposed by the School Board	EA 15				D.ES	
51.	Establish procedures to ensure school attendance	EA 18				D.SS	
52.	Transfer a student from one school to another, for just and sufficient cause, at the request of the principal	EA 242				SDE SDHS	
53.	Expel a student from all schools/centres within the School Board, for just and sufficient cause, at the request of the principal	EA 15, 242		X			
CHAPTER V: POWERS RELATED TO THE MANAGEMENT OF SCHOOL ORGANIZATION							
54.	Determine the allocation of premises or buildings or parts thereof, or their use between institutions established in the same premises or buildings				X		
55.	Determine the schools' schedules (beginning and end of school day)					D.SOS When school transportation is offered	P When no school transportation is offered
5.1 School transportation							
56.	Authorize the payment to students of an amount to cover all or part of their transportation costs	EA 299				D.SOS	
57.	Authorize student transportation contracts for less than a year, in accordance with approved budgets					D.SOS	
58.	Suspend a student from school transportation for:					SDE SDHS One or more periods of more than ten days	P One or more periods of ten days or less

	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
59.	Enter into agreements with transportation companies for the school's complementary activities, determine funding arrangements and claim the cost from parents	EA 291					P
60.	Authorize modifications to bus routes according to the terms and conditions of school transportation contracts					D.SOS	
61.	Allow any person other than those for whom it arranges school transportation services to use this school transportation service up to the number of seats available and establish the cost of the transportation services offered	EA 291				D.SOS	
62.	Suspend school transportation in emergency situations			X			
63.	Enter into an agreement to provide transportation for all or some of the students of another school board, a school service centre or a private education institution and establish the cost of the transportation services offered	EA 294, 296			X		
CHAPTER VI: POWERS RELATED TO COMMUNITY SERVICES							
64.	Enter into agreements with the police force in the territory of the School Board regarding how the police force will intervene in an emergency or when an act of bullying or violence is reported	EA 214.1			X		
65.	Enter into an agreement with an institution, another body in the health and social services network or a community organization operating in its territory for the provision of services to students after an act of bullying or violence is reported	EA 214.2			X		
66.	Enter into an agreement with an institution operating a child and youth protection centre in its territory concerning the services to be provided to a child and his parents by the health and social services network and the education network	EA 214 .3			X		
67.	Authorize and enter into any agreement with a community agency for the enforcement of MEQ measures and agree on the terms and conditions, when the value of the agreement is:	EA 213, 257 LGCE 16		X Under \$250,000			
68.	Organize, provide cultural, social, sports, scientific or community services in the premises of the school/centre	EA 255(2), 258					P
69.	Promote the use of premises by public or community organizations, subject to the rights of the Governing Boards. To this end, enter into agreements for sports, cultural and recreational centers in respect of the deeds of establishments	EA 93, 266		X			
70.	Agree with the Governing Board on how to organize and provide childcare for preschool and elementary school students	EA 256					P
71.	Agree with Governing Boards on the arrangements for supervising students who stay at school at lunch time and claim the cost from parents	EA 292					P

CHAPTER VII: POWERS RELATED TO THE MANAGEMENT OF HUMAN RESOURCES

General Notes:

The Director General is the employee of the Council of Commissioners. As such, this section does not apply to him.

The School Board is the employer of the staff it requires for its operations and those of its schools, vocational training centers and adult education centers (EA 259).

Staff assigned to a school perform their duties under the authority of the school director and staff assigned to a vocational training or adult education center perform their duties under the authority of the center director (EA 260).

7.1 Hire, appointment, assignment, termination of employment

	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
72.	Appoint a secretary general	EA 259		X			
73.	Appoint a person responsible for adult education services	EA 264		X			
74.	Appoint a person responsible for educational services for handicapped students or students with social maladjustments or learning disabilities	EA 265		X			
75.	Make all decisions related to hiring, promotion, appointment, assignment, reassignment, transfer (administrative or disciplinary), changes of dossiers, demotion and probation (successful completion, extension or early termination) regarding:	EA 259		X Assistant Directors General and the Senior Staff Members		D.HR All other employees of the School Board, including the other members of Administration	
76.	Proceed with layoffs, placement on surplus and non-reengagement regarding:			X Assistant Directors General and the Senior Staff Members		D.HR All other employees of the School Board, including the other members of Administration	
77.	Proceed with the dismissal, termination of employment or any other administrative and disciplinary action resulting in the severance of the link of employment with the School Board, regarding:					D.HR	
77.1	Any temporary or external member of Administration to the exclusion of the Senior Executive Staff Members and the Senior Staff Members						
77.2	Any temporary professional, teaching and support staff						
77.3	Any other contractual employees of the School Board						

	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
78.	Abolish, modify or create a new position for all types of personnel to the exclusion of the Administration			X			
79.	Temporary create an Administration position that does not exceed June 30 th of the current year			X			
80.	Impose administrative measures			Imm. Sup.	Imm. Sup.	Imm. Sup.	Imm. Sup.
81.	Impose disciplinary measures such as warnings or reprimand:			X To the Assistant Directors General and the Senior Staff Members			
82.	To any other members of the Administration			Imm. Sup.	Imm. Sup.	Imm. Sup.	Imm. Sup.
82.1	To the teaching, professional and support staff						
83.	Impose an administrative suspension with pay:			X To the Assistant Directors General and the Senior Staff Members		D.HR To any other employee of the School Board, including the other members of Administration	
84.	Impose a disciplinary suspension without salary:			X To the Assistant Directors General and the Senior Staff Members		D.HR To any other member of the Administration AD.HR To any other employee of the School Board	

7.2 Leaves							
	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
85.	Authorize leaves of absence, loans of services and staff exchanges:			X Of the Assistant Directors General and the Senior Staff Members		D.HR Of any other member of the Administration	
						AD.HR Of all other employees of the School Board	
86.	Authorize a request for progressive retirement for:			X Any member of Administration		X Any other employee of the School Board	
7.3 Labour relations							
87.	Submit employer's grievances to the arbitration process					D.LS	
88.	Defend and intervene in grievances or disputes arising out of labour legislation, working conditions regulations or collective agreements, regardless of the value in dispute					D.LS Coordinator LS	
89.	Take steps to resolve problems, grievances, <i>mésentente</i> and any other types of disagreements regarding:			X The Assistant Directors General and the Senior Staff Members		D.HR Any other employees of the School Board, including the other members of the Administration	

	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
90.	Sign and approve local agreements and any other local entente with unions and associations			X			
91.	Proceed with the consultation of unions and associations					SG D.HR	
92.	Authorize settlement agreements related to grievances or disputes arising out of labour legislation, working conditions regulations or collective agreements			X When the value in dispute is of more than \$25,000		D.HR When the value in dispute is less than \$25,000	
93.	Ask the principal to exercise functions and powers other than those of a principal	EA 96.26, 110.13		X			
94.	Appoint one or more vice-principals	EA 96.9		X			
95.	Designate the vice-principal who shall exercise the principal's functions and powers if the principal is absent or unable to act	EA 96.10					P
96.	Designate a person to fill the position of principal temporarily	EA 96.8		X			
97.	Appoint a person responsible for each immovable where the deed of establishment places more than one immovable at the disposal of the institution	EA 41, 100					P
98.	Appoint a person responsible for an institution with only one immovable at its disposal and where there is no vice-principal	EA 41, 100, 211		X			
99.	Enter into an agreement with any educational institution at the university level concerning the training of future teachers and the mentoring of teacher trainees or newly qualified teachers	EA 261.1			X		
100.	Authorize School Board employees to participate in various advocacy activities for the School Board	EA 359		X			

CHAPTER VIII: POWERS RELATED TO THE MANAGEMENT OF FINANCIAL RESOURCES							
	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
101.	May, subject to the conditions it determines, authorize a school or a centre, to incur expenses that have not been approved	EA 276		X			
102.	Authorize the closing and opening of any bank account and designate the signatories					D.FS	
103.	Negotiate and enter into a financial services agreement with a financial institution					D.FS	
104.	Receive cash donations for School Board Services/Departments					D.FS	
105.	Write off bad debts for an amount of:		X More than \$25,000 up to \$250,000	X \$5,000 to less than \$25,000		D.FS Less than \$5,000	
106.	Authorize and ensure disbursement of accounts payable					D FS	
107.	Determine the financial contributions payable in regard to services and goods for which the right to free use does not apply in institutions	EA 3, 7, 216					P
108.	Require a financial contribution in respect of a student who does not hold the status of Québec's resident	EA 216		X			
109.	Following a request made by a student or his parents, exempt the student from payment of the required financial contribution (as per #108) for humanitarian reasons or to avoid serious prejudice to him	EA 216		X			
110.	Approve the transfer of budgets within a Service/Department, at the request of the Directors of Services/Departments					D.FS	
111.	Approve the transfer of budgets between Services/Departments, at the request of the Directors of Services/Departments			X			
112.	Approve increases of Service/Department's budget that are offset by increases of revenues where the source of funding is from the MEQ, according to the parameters indicated by the MEQ			X		D.FS Up to an increase of \$300,000	

CHAPTER IX: POWERS RELATED TO THE MANAGEMENT OF MATERIAL RESOURCES OF THE SCHOOL BOARD

9.1 Conclusion of contract

Note: The threshold set according to intergovernmental agreements is available on the Treasury Board Secretariat website. In March of 2020, the applicable threshold is \$105,700 and will be indexed on January 1, 2022.

	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
113.	Enter into a supply contract, including an information technology supply contract, involving an expenditure of:	EA 266	X \$2,000,000 and more	X Less than \$2,000,000	X less than \$250,000	D/SD/SG Less than the applicable public tender threshold AD Less than \$35,000	P Less than \$25,000
						Coordinator Less than \$25,000 Manager MR Less than \$5,000 Manager Less than \$1,000	VP Less than \$5,000
114.	Enter into a service contract, including an information technology service contract, with an individual:	EA 255 LGCE 16	X Involving an expenditure of \$250,000 and more	X Involving an expenditure of \$10,000 to less than \$250,000	X Involving an expenditure of less than \$10,000	D/SD/SG Involving an expenditure of less than \$10,000 AD Involving an expenditure of less than \$10,000	P Involving an expenditure of less than \$10,000

	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
114.1	Enter into a service contract, including an information technology service contract, with a person other than an individual:		X Involving an expenditure of \$250,000 and more	X Involving an expenditure of \$25,000 to less than \$250,000	X Involving an expenditure of less than \$25,000	D/SD/SG Involving an expenditure of less than \$25,000 AD Involving an expenditure of less than \$15,000 Coordinator Less than \$7,500 Manager MR Less than \$5,000	P Involving an expenditure of less than \$15,000
115.	Enter into a construction contract, in accordance with applicable regulations, involving an expenditure of:	EA 266	X \$2,000,000 and more	X From \$250,000 to less than \$2,000,000	X From the applicable public tender threshold to less than \$250,000	D.MR From \$50,000 to less than the applicable public tender threshold AD.MR Less than \$50,000 Coordinator MR Less than \$25,000 Manager MR Less than \$5,000	
116.	Enter into a lease agreement as a tenant for a building or part of a building for an amount of:	EA 266	X \$250,000 and more	X Less than \$250,000			

9.2 Functions of the Chief Executive Officer (LCOP, LGCE)							
	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/CENTRES
117.	Authorize the conclusion of a contract involving an expenditure equal to or above the public tender threshold if there is only one possible contractor because of the existence of a guarantee, an ownership right or an exclusive right, or the artistic, heritage or museological value of the required property or service	LCOP 13, al.1, par.2		X			
118.	Authorize the conclusion of a contract involving an expenditure equal to or above the public tender threshold if the contract involves confidential or protected information	LCOP 13, al.1, par.3		X			
119.	Authorize the conclusion of a contract involving an expenditure equal to or above the public tender threshold for which a public call for tenders would not serve the public interest	LCOP 13, al.1, par 4		X			
120.	Authorize, in the case of a contract governed by the LCOP that involves an expenditure equal to or above the public tender threshold, an accessory amendment that entails an additional expenditure of more than 10% of the initial amount of the contract	LCOP 17, al.2	X When the cumulative amount of all accessory amendments (change orders) is more than \$2,000,000	X Until the cumulative amount of all accessory amendments (change orders) remains equal to or less than \$2,000,000			
121.	Authorize, in the case of a contract governed by the LCOP that involves an expenditure equal to or above the public tender threshold, an accessory amendment (change orders) that entails an additional expenditure of up to 10% of the initial amount of the contract	LCOP 17, al.2	X When the cumulative amount of all accessory amendments (change orders) is more than \$2,000,000	X Until the cumulative amount of all accessory amendments (change orders) remains equal to or less than \$2,000,000	X Until the cumulative amount of all accessory amendments (change orders) remains equal to or less than \$250,000	D.MR Until the cumulative amount of all accessory amendments (change orders) remains equal to or less than the public tender threshold	

	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
122.	Authorize a contract with a company ineligible for government contracts, or a subcontract directly related to a government contract with a company ineligible for government contracts, where there is an emergency and the safety of persons or property is at stake	LCOP 25.0.3, al.2		X			
123.	Authorize the conclusion of a contract or a subcontract directly related to a public contract with an enterprise that does not hold an authorization to contract, when an urgent action is required and there is a threat to human safety or property	LCOP 25.0.3, al.2 and 3		X			
124.	Submit to the Chair of the Conseil du trésor the accountability reporting information considered necessary for the production of the report on the carrying out of the LCOP or any other information necessary in terms of accountability under the LCOP, its regulations or directives, as applicable, and make the declaration attesting to the reliability of the information and controls	LCOP 22.1 DRC 8		X			
9.3 Functions of the Chief Executive Officer (RCA, RCS, RCTC, RCTI) <i>General Note: Section 8 of the LCOP only permits the delegation of the duties of the Chief Executive Officer to the Director General, regardless of the subject matter.</i>							
125.	Designate the members of the committee set up to analyze a tender with an unusually low price	RCA 15.4 RCS 29.3 RCTC 18.4 RCTI 35		X			
126.	Receive a copy of the report of the committee in charge of analyzing a tender with an unusually low price and, if applicable, authorize the reject of the tender with an unusually low price	RCA 15.8 RCS 29.7 RCTC 18.8 RCTI 39		X			
127.	Authorize the launch of a public call for tenders for a delivery order contract, including a delivery order contract in the field of information technologies, with multiple suppliers comprising an awarding rule which allows the awarding of an order to any of the selected suppliers whose price submitted does not exceed the lowest price by more than 10%	RCA 18, al.2 RCTI 43, al.2		X			

	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT	SCHOOLS/ CENTRES
128.	Authorize the conclusion of a supply contract or a service contract of a repetitive nature, including in the field of information technologies, where the expected term, including any renewal, is greater than 3 years	RCA 33, al. 1 RCS 46, al. 1 RCTI 57, al.1		X			
129.	Authorize the conclusion of a contract involving an expenditure equal to or above the public tender threshold if only one tenderer submitted a compliant tender or if only one tenderer submitted an acceptable tender	RCA 33, al.2 RCS 46, al.2 RCTC 39, al.2 RCTI 57, al 2		X			
130.	Uphold or cancel the performance evaluation of the supplier, service provider or contractor and inform them of the decision	RCA 45 RCS 58 RCTC 58 RCTI 82, al.2		X			
131.	Authorize the publication of a notice of the call for tenders for a construction contract if the tender validity period is greater than 45 days	RCTC 39, al.1		X			
132.	Authorize the School Board representative to proceed with the mediation as part of the dispute resolution process	RCTC 51		X			
133.	Authorize the launch of a call for tenders involving a competitive dialogue in the field of information technologies	RCTI 19		X			
134.	Allow the tendering process to continue when, in a competitive dialogue, only two tenderers meet the selection criteria	RCTI 20, al.3		X			
135.	Authorize the determination of the most advantageous goods or services based on criteria other than price when entering into a contract for the acquisition of cloud goods or services by mutual agreement with a supplier or service provider who has concluded a framework agreement with the government procurement agency	RCTI 48, al.2, par.2		X			
136.	Send to the government procurement agency the supplier's or service provider's performance evaluation in the case of a contract for the acquisition of cloud goods or services entered into by mutual agreement with a supplier or service provider who has concluded a framework agreement with the government procurement agency	RCTI 82, al.3		X			

9.4 Functions of the Chief Executive Officer (DGCOP)							
<i>General Note : Section 8 of the LCOP only permits the delegation of the duties of the Chief Executive Officer to the Director General, regardless of the subject matter.</i>							
	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT	SCHOOLS/ CENTRES
137.	Authorize the School Board to join a group purchasing tender during the execution of a contract involving an expenditure of:	LCOP 15 DGCOP 3.5					
137.1	For a service contract		X \$250,000 or more	X Less than \$250,000			
137.2	For a supply contract		X \$2,000,000 or more	X Less than \$2,000,000			
138.	Limit the scope of a service provider's license in a contract for the development of a program	DGCOP 3.10, al.2		X			
139.	Request an assignment of copyright from the service provider in a contract for the development of a computer program and, if applicable, refuse to grant a copyright license to the service provider	DGCOP 3.11, al.1 and al.3		X			
140.	Grant an exemption from the requirement to enter into a professional services contract in the field of information technologies with a service provider holding an ISO 9001:2015 registration certificate	DGCOP 6		X			
141.	Designate the person(s) who may act as the selection committee's secretary	DGCOP 8, par. 2		X			
142.	Appoint the members of the selection committee	DGCOP 8, par. 7		X			
143.	Grant an exception from the conditions related to the operation of a selection committee and ensure the rotation of the individual designated for this purpose, when permitted by the DGCOP	DGCOP 8, par.10		X			
144.	Authorize the conclusion of a contract or any new contract with an individual who does not own or operate a business where the sum of the expense of that contract and the expenses of previous successive contracts entered into with that individual is \$50,000 or more	DGCOP 16, al.1 and 2					
145.	Authorize, in the case of a contract entered into with an individual who does not operate a business and involving an expenditure equal to or greater than \$50,000, an accessory amendment that entails an additional expenditure	DGCOP 18, al.2					

9.5 Functions of the Chief Executive Officer (DGR)							
<i>General Note: Section 8 of the LCOP only permits the delegation of the duties of the Chief Executive Officer to the Director General, regardless of the subject matter.</i>							
	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
146.	Design and implement the organizational framework for managing the risks related to corruption and collusion within the School Board's contract management processes, ensure that it is applied at all stages of the contract management process, its revision and updating, and that it provides the necessary resources for its implementation, in compliance with the DGR	DGR 3		X			
147.	Submit the School Board's annual risk management plan along with any other related documents to the Chair of the Conseil du trésor	DGR 5		X			
148.	Approve the monitoring and review report on the organizational framework for managing the risks related to corruption and collusion within the School Board's contract management processes	DGR 6		X			
149.	Submit the monitoring and review report on the organizational framework for managing the risks related to corruption and collusion within the School Board's contract management processes along with any other related documents to the Chair of the Conseil du trésor	DGR 7		X			
9.6 Functions of the Chief Executive Officer of the public body under the LAMP							
150.	Submit observations to the Autorité des marchés publics following a complaint	LAMP 45, al. 1, par.3		X			
9.7 Management of movable and immovable property							
151.	Authorize any agreement entered into by the Governing Board for the use of the premises or immovables placed at the disposal of the school or center if the term of the agreement exceeds one year	EA 93, 110.4			X		

	SUBJECTS	REFERENCE	EXEC.	DG	ADG	SERVICES/DEPT.	SCHOOLS/ CENTRES
152.	Grant a servitude			X For any other purpose		D.MR For the purpose of a public service, without financial compensation being requested	
153.	Lend or lease immovables or premises belonging to the School Board, subject to the rights of its schools or centers regarding the property placed at its disposal in the three-year plan for the destination of immovables and the deeds of establishment:	EA 266		X For more than one year	X For a period not exceeding one year		
154.	Lend or rent movable property:	EA 266		X When the value is of \$100,000 and more	X When the value is of \$50,000 and more	D.MR Of the Administration Building, when the value is less than \$50,000	P Of an educational institution, when the value is less than \$50,000
155.	Sell or otherwise dispose of the School Board's movable property worth:			X \$1,000 or more		X Less than \$1,000	P Less than \$1,000
156.	Accept moveable property gratuitously on behalf of the School Board					D.MR D.ITS	P
157.	Insure the property of the School Board and take out liability insurance for its own benefit and for the benefit of the members of the Council of Commissioners, the Governing Board, its committees and staff members, on a need basis	EA 178, 270			X		