

HANOVER PUBLIC SCHOOL DISTRICT

SECTION: LOCAL BOARD PROCEDURES

TITLE: BOARD POLICY/
ADMINISTRATIVE
REGULATIONS

ADOPTED: February 11, 2008

REVISED: October 14, 2014

000. BOARD POLICY/ADMINISTRATIVE REGULATIONS

Section 1. Purpose

The policies adopted by the Board are intended to establish the general and overall rules within which the daily operations of the school district are to be governed. Regulations for carrying out and implementing Board policies are to be developed and implemented by the administration, under the direction of the Superintendent. As applicable, members of the school community are expected to comply with both Board policy and administrative regulations, subject to the limitations and exceptions set forth. However, failure of the Board or the administration to comply with policy shall not invalidate any lawful action taken.

SC 407, 510

Section 2. Contents

The policies of the Board shall consist of the policies and procedures adopted by the Board and contained in the Policy Manual, and such other separate documents

approved by the Board that are expressly incorporated by reference in particular policies and declared to constitute Board policy, such as the Code of Student Conduct.

Administrative regulations are not part of Board policy and may be altered by the administration without Board action. Administrative regulations may not conflict with Board policy or with applicable law. All regulation changes will be provided to the Board as informational items during the next scheduled Board meeting.

Section 3. Limitations Of Policy/Administrative Regulations

Board policies and administrative regulations are not intended and shall not be construed to supersede or preempt any applicable law. Consequently, all Board policies and administrative regulations shall be given both an interpretation and application that is lawful. The Board shall determine the final interpretation of its policies, and the administration shall determine the final interpretation of its regulations.

Board policies and administrative regulations are limited by legal constraints, as are the rights of those to whom Board policies and administrative regulations apply, and are not intended to give an individual a cause of action not independently established in law.

Board policies and administrative regulations shall not preempt, create, supplant, expand or restrict the rights or liabilities of students, employees, taxpayers or others within the school community beyond those established in law, and are not intended to restrict or limit individuals in the school community from pursuing any claims or defenses available under applicable law. Board policies and administrative regulations are not intended to be interpreted as influencing the disposition of a particular civil action.

Section 4. Exceptions

Exceptions to any policy or the application of any policy may be made if requested or recommended in accordance with the established Board procedure.

Section 5. Rules Of Construction

In ascertaining the intent of the Board in adopting a policy or of the administration in establishing a regulation, the following presumptions, among other legally applicable presumptions, may be used:

- a. That neither the Board nor the administration intends a result that is absurd,

impossible of execution or unreasonable.

- b. That neither the Board nor the administration intends to violate the federal or state Constitutions or any other applicable law.

If any policy or administrative regulation can be given multiple interpretations, both constitutional and unconstitutional, or both lawful and unlawful, the Board and the administration intend that only the constitutional and the lawful interpretations shall be valid, and that neither an unconstitutional nor an unlawful interpretation was intended.

References:

School Code – 24 P.S. Sec. 407, 510