

MIDDLE BUCKS INSTITUTE OF TECHNOLOGY

SECTION: BOARD PROCEDURES

TITLE: EXECUTIVE COUNCIL
POLICY/ADMINISTRATIVE
REGULATIONS

ADOPTED: January 11, 2016

REVISED:

<p>SC 1850.1</p>	<p>000. EXECUTIVE COUNCIL POLICY/ADMINISTRATIVE REGULATIONS</p> <p>Section 1. <u>Purpose</u></p> <p>The policies adopted by the Executive Council are intended to establish overall rules within which the daily operations of the school are to be governed. Regulations for carrying out and implementing Executive Council policies are to be developed and implemented by the administration, under the direction of the Administrative Director. As applicable, members of the school community are expected to comply with both Executive Council policy and administrative regulations, subject to the limitations and exceptions set forth.</p> <p>Section 2. <u>Contents</u></p> <p>Policies of the Executive Council shall consist of the following separate documents:</p> <ol style="list-style-type: none"> a. Policies contained in the adopted Policy Manual. b. Contents of the job descriptions adopted by the Executive Council. c. Student Code of Conduct. d. Administrative Compensation Plan. e. Comprehensive Plan. f. Pest Management Plan. g. Programs of Study. h. List of authorized text books. i. Any other documents that the Executive Council determines to be policy.
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Administrative regulations are not part of Executive Council policy and may be altered by the administration without Executive Council action. Administrative regulations shall not conflict with Executive Council policy or with applicable law.

When present in Policy or Administrative Regulations, the following terms shall have the meaning given to them in this section unless the context clearly indicates otherwise:

- a. **Administrative Director** - The chief school administrator of an area vocational-technical school.
- b. **Applicable Law** means any federal, state or local law regulation or ordinance that is applicable to and that governs the particular matter addressed in the Policy.
- c. **Chief School Administrator** - The superintendent of a public school district, executive director of an area vocational-technical school, executive director of an intermediate unit or chief executive officer of a charter school.
- d. **Executive Council or School Board** means the Board of School Director of the school.
- e. **Includes or Including** means inclusive of and not limited by and by way of example and not limitation.
- f. **Local Advisory Committee or LAC** - An advisory committee composed of members representing the workforce investment board, civic organizations and higher education institutions.
- g. **Occupational Advisory Committee or OAC** - An advisory committee established for each career-technical program or cluster of related programs composed of members representing the trades or industries.
- h. **Policy** means an action of the Executive Council setting forth a rule, requirement, a course or method of action, or policy statement when the action is intended by the Executive Council to be published in the Policy Manual.
- i. **Professional Advisory Council or PAC** - An administrative committee, composed of chief school administrators representing participating school districts to advise the Executive Council and the administration concerning the educational program and policies of the school.

- j. **School Year** means the period of time between July 1 to the subsequent June 30 each year.
- k. **School entity** - A public school district, intermediate unit, area vocational-technical school or charter school.

Section 3. Limitations Of Policy/Administrative Regulations

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

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

Executive Council 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. Executive Council 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 granted if requested or recommended in accordance with the established Executive Council procedure.

Section 4. Rules Of Construction

In ascertaining the intent of the Executive Council 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 Executive Council nor the administration intends a result that is absurd, impossible of execution or unreasonable.

- b. That neither the Executive Council 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 Executive Council 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.

The Administrative Director or designee shall be responsible for developing and implementing new Board policy, and updating and amending existing Board policy.

References:

School Code – 24 P.S. Sec. 1850.1