

MONTGOMERY
COUNTY
INTERMEDIATE
UNIT #23

SECTION: BOARD PROCEDURES

TITLE: FUNCTIONS

ADOPTED: FEBRUARY 25, 2009

REVISED:

<p>SC 407, 964 Pol. 000</p> <p>Pol. 006</p> <p>Pol. 007</p>	<p style="text-align: center;">003. FUNCTIONS</p> <p>Section 1. <u>Legislative</u></p> <p>The Board shall exercise leadership through its rule-making power by adopting Board policies for the organization and operation of the Intermediate Unit. Those policies which are not dictated by law or regulations of the State Board, or ordered by a court of competent authority, may be adopted, amended or repealed at any meeting of the Board, provided the proposed adoption, amendment or repeal has been proposed at a previous Board meeting and has remained on the agenda of each succeeding Board meeting until approved or rejected.</p> <p>Changes in a proposed Board policy, except for minor editorial revisions, at the second reading shall cause that reading to constitute a first reading.</p> <p>The Board may, upon a majority vote, cause to suspend at any time the operation of a Board policy, provided the suspension does not conflict with legal requirements. Such suspension shall be effective until the next meeting of the Board, unless an earlier time is specified in the motion to suspend.</p> <p>Board procedures and policies shall be adopted, amended or repealed by a majority vote of the Board. (12 Board members)</p> <p>The adoption, modification, repeal or suspension of a Board policy shall be recorded in the minutes of the Board meeting. All current policies shall be maintained in the Board Policy Manual and disseminated appropriately.</p>
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<p>SC 963, 964, 965 Pol. 302</p> <p>SC 964 Pol. 000</p> <p>Pol. 003</p>	<p>Section 2. <u>Executive</u></p> <p>The Board shall exercise its executive power by the appointment of an Executive Director, who shall enforce the laws of the Commonwealth, the regulations of the State Board of Education, the policies of the Board, and all other applicable laws and regulations.</p> <p>The Board delegates to the Executive Director the function of developing administrative regulations for the operation of the Intermediate Unit. Administrative regulations shall be in written form, and must be consistent with state and federal laws or regulations and Board policy. Administrative regulations are binding on employees and students when issued.</p> <p>The Board reserves the right to review and to direct revisions of administrative regulations when it considers the regulations to be inconsistent with Board policy or Intermediate Unit practices. However, the Board shall not adopt administrative regulations unless required by law or requested by the Executive Director. Such adoption and/or amendment of administrative regulations shall adhere to the policy for adoption and amendment of Board procedures and policies.</p> <p>a. Decisions in Absence Of Board Policy</p> <p>Actions taken by the Executive Director or designee is governed by established Board policy. When decisions must be made for which no written policy has been provided, the Executive Director or designee has the power to take necessary action unless prohibited by law. The Executive Director or designee will advise the Board President of this action as soon as possible.</p> <p>Such action is subject to review by the Board and will not be considered as established precedent for future actions of the Board.</p> <p>The Executive Director or designee may recommend that a relevant policy be developed.</p> <p>The Executive Director or designee is authorized to make decisions necessary for the orderly operation of the organization in any month without a Board meeting or if no quorum is present at the Board meeting, pending Board ratification at the next regularly scheduled Board meeting.</p>
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<p>SC 964</p> <p>2 Pa. C.S.A. Sec. 551 et seq</p> <p>2 Pa. C.S.A. Sec. 551 et seq</p>	<p>b. Deviation From Board Policy</p> <p>Situations may arise when the best interests of the students and/or the Intermediate Unit as a whole would not be served by the application of Board policy. When possible, the situation will be brought to the Board’s attention for Board action. In an emergency situation, the Executive Director or designee is authorized to take necessary action that deviates from Board policy provided that s/he advises the Board President of this action as soon as possible, and provided such action is permissible pursuant to applicable law.</p> <p>Such action is subject to review by the Board and will not be considered as established precedent for future actions of the Board.</p> <p>The Executive Director or designee may recommend revisions to Board policy.</p> <p>The Executive Director shall implement a procedure to inform Board members and designated employees of their responsibility under the Pennsylvania Public Official and Employee Ethics Act.</p> <p>Whenever responsibility is delegated to the Executive Director or other administrator, it is understood that such individual may designate a representative to act on his/her behalf.</p> <p>Section 3. <u>Review</u></p> <p>The Intermediate Unit may assume jurisdiction over controversies or disputes arising within member school districts concerning any matter over which the Board has authority granted by law or where the Board has retained jurisdiction in contract or policies.</p> <p>In furtherance of its adjudicatory function, the Board may hold hearings in accordance with law which shall offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter.</p> <p>A hearing may vary in form and content in line with the severity of the consequences that may flow from it, the difficulty of establishing findings of fact from conflicting evidence, the impact of the Board’s decision on member school districts, and the requirements of law.</p>
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References:

School Code – 24 P.S. Sec. 963, 964, 965

Local Agency Law – 2 Pa. C.S.A. Sec. 551 et seq.

Public Officials and Employee Ethics Act – 65 Pa. C.S.A. Sec. 1101 et seq.

Board Policy – 000, 003, 006, 007, 302