

POLICY DRAFTS FOR 2/16/2021 BOARD MEETING

Book Policy Manual
Section 000 Local Board Procedures
Title Board Policy/Procedure/Administrative Regulations
Code 000
Status First Reading 2/16/21
Adopted

Purpose of Policy/Local Board Procedure

The policies and local Board procedures adopted by the Board are intended to establish the general and overall rules within which the day-to-day operations of the school district are to be governed. As applicable, all members of the Palmerton Area School District community shall be expected to comply with Board policy and procedure, subject to the limitations established in this policy.

Contents of Policy Manual

1. Local Board Procedures

The bylaws and rules that pertain to Board governance shall hereinafter be referred to as Local Board Procedures and shall be policy series 000: Local Board Procedures.

2. Policies

The rules and guidelines that pertain to the safe and orderly operation of the school district shall hereinafter be referred to as Policy and shall be policy series 100: Programs, 200: Pupils, 300: Employees, 600: Finances, 700: Property, 800: Operations, and 900: Community.

Limitations of Policy/Local Board Procedure

Board policies and procedures are not intended and shall not be construed to supersede or preempt any applicable law, whether constitutional, statutory, regulatory, or common law. Consequently, all Board policies and procedures shall be given both an interpretation and application that is lawful. The Board shall determine the final interpretation of its policies and procedures.

As the Board policies and procedures are limited by legal constraints, so too are the rights of those to whom the Board policies and procedures apply. Board policies and procedures are not intended to expand the rights of individuals beyond those established by law or to give to any individual a cause of action not independently established in law.

Board policy and procedure shall not preempt, create, supplant, expand or restrict the rights or liabilities of students, employees, or other members of the school district community beyond what is contemplated by law and are not intended to restrict or limit students, employees, or others from pursuing any claims or defenses available under law.

Administrative Regulations

Administrative regulations shall be developed by the administration, under the direction of the Superintendent, for implementing the broad policies of the Board on a day-to-day basis. Administrative regulations shall not conflict with Board policy.

Administrative regulations are not intended and shall not be construed to supersede or preempt any applicable law, whether constitutional, statutory, regulatory, or common law. Consequently, all administrative regulations shall be given both an interpretation and application that is lawful. The administration shall determine the final interpretation of administrative regulations.

As the administrative regulations are limited by legal constraints, so too are the rights of those to whom the administrative regulations apply. Administrative regulations are not intended to expand the rights of individuals beyond those established by law or to give to any individual a cause of action not independently established in law. Enforcement of administrative regulations rests exclusively with the administration.

Administrative regulations shall not preempt, create, supplant, expand or restrict the rights or liabilities of students, employees, or other members of the school district community beyond what is contemplated by law and are not intended to restrict or limit students, employees or others from pursuing any claims or defenses available under law.

Book Policy Manual
Section 000 Local Board Procedures
Title Functions
Code 003

Status Active First Reading 2/16/21

Adopted November 9, 1999

Last Revised June 2, 2020

Purpose

It shall be a fundamental purpose of the Palmerton Area School Board of Directors to act as a legislative body in formulating policies for the conduct of schools, determining what shall be done, establishing procedures for accomplishing these tasks, selecting an administrative officer, and delegating to him/her the implementation of plans and policies into operation, and providing the financial means to accomplish such tasks.

Legislative

The Board shall exercise its rule-making power by adopting policies for the organization and operation of the District. Those policies, which are not dictated by the statutes or rules of the State Board of Education or ordered by a court of competent authority, may be adopted, amended, waived, 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.[\[1\]\[2\]\[3\]\[4\]](#)

Adoption of a Board procedure or policy shall require a minimum of two (2) readings.[\[2\]](#)

The Board may, upon a majority vote, cause to suspend at any time the operation of a Board policy or procedure, 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.

Board policies shall be adopted, amended, waived, or repealed by a majority vote of the full Board.[\[5\]](#)

The adoption, modification, repeal, or suspension of a Board policy shall be recorded in the minutes of the Board meeting. All current Board policies will be made available on the District website at: www.palmerton.org

Executive

The Board shall exercise its executive power by the appointment of a District Superintendent, who shall enforce the statutes of the Commonwealth, the regulations of the State Board of Education, the policies of the Board of School Directors, and all other applicable laws and regulations.[\[7\]\[8\]\[9\]](#)

The Superintendent shall prepare guidelines for the administration of the District which are not inconsistent with state and federal statutes or regulations, dictated by the policies of this Board, and binding on District employees and students. The Superintendent or designee will develop procedures, regulations, or guidelines for Board policies as necessary. The Board reserves the right to alter or rescind any such procedures, regulations, and guidelines.

The Superintendent shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board.

The Superintendent shall implement a procedure to inform employees and Board members of their responsibility under the Ethics Law.[\[10\]](#)

Whenever responsibility is delegated to the Superintendent or other administrator, it is understood that such individuals may designate a representative to act on his/her behalf.

Review

The Board may assume jurisdiction over controversies or disputes arising within this District and concerning any matter over which the Board has authority granted by statute or where the Board has retained jurisdiction in contract or policies.[\[3\]](#)

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.[\[11\]](#)

Beyond the basic requirements of due process, a hearing may vary in form and content in line with the severity of the consequences which may flow from it, the difficulty of establishing findings of fact from conflicting evidence, and the impact of the Board's decision on the District.[\[11\]](#)

Delegation of Responsibility

The Board recognizes the need for excellence in the educational program offered to District students. To this end, the Board seeks to employ dedicated and creative leadership which, in consultation with the Board, determines the broad outlines of the policy. When agreement on these fundamentals has been established, the administration of policy in the schools becomes the responsibility of the Superintendent and staff of administrators.

Matters which relate to the broad aspects of policy should be referred to the Superintendent. It is the determination of the Board that, by giving the Superintendent full authority for his/her area of responsibility, the effective and efficient administration of the District's schools can be realized.

Legal

1. 24 P.S. 301

2. 24 P.S. 407

3. 24 P.S. 510

4. 24 P.S. 511

5. Pol. 006

6. Pol. 007

7. 24 P.S. 508

8. 24 P.S. 1001

9. 24 P.S. 1081

10. 65 Pa. C.S.A. 1101 et seq

11. 2 Pa. C.S.A. 551 et seq

Book	Policy Manual
Section	000 Local Board Procedures
Title	Attendance at Meetings Via Electronic Communications
Code	006.1
Status	First Reading 2/16/21
Adopted	October 18, 2011

Authority

The Board recognizes that factors such as illness, travel, schedule conflicts, weather conditions, and other emergency situations can make impossible the physical presence of a school director or other necessary participants at a Board meeting and that electronic communications can enable a school director or other necessary participants to participate in a meeting electronically from a remote location.

A school director shall be able to attend a Board meeting, and participate in Board deliberations and voting, through electronic communications, but only under extraordinary circumstances. The Board President may permit other necessary participants to participate in meetings via electronic communications as the Board President deems appropriate.[\[1\]](#)

The Board authorizes the administration to provide the equipment and facilities required to implement this Board procedure.

Guidelines

A school director who attends a meeting through electronic communications shall be considered present only if the school director can hear everything said at the meeting and all those attending the meeting can hear everything said by that school director and other participants addressing the Board. If the Board President determines either condition is not occurring, the Board President shall terminate the school director's attendance through electronic communications.

A majority of school directors shall be physically present at a Board meeting when a school director attends through electronic communications.

To attend a Board meeting through electronic communications, a school director shall comply with the following:

1. Submit such request to the Board President at least three (3) days prior to the meeting
2. Ensure that the remote location is quiet and free from background noise and interruptions
3. Participate in the entire Board meeting

Emergency Conditions

In the event that the county, state, or federal public health authorities, the Governor, or any similar authority with appropriate jurisdiction declares an emergency condition that prevents or discourages public gatherings due to a public health or safety concern, the Board shall be authorized to conduct meetings primarily or entirely via electronic communications to enable all school directors and other necessary participants to fully participate in the conduct of official Board business through electronic communications.[2]

Meetings held primarily or entirely via electronic communications shall be conducted in a manner that assures compliance with the public access and public comment requirements of the Sunshine Act. All rules normally applicable to in-person meetings of the Board shall be observed in meetings held primarily or entirely via electronic means to the extent practicable and appropriate to the nature and features of the technology used.[3][4]

The requirement for school directors to submit a request to participate in meetings through electronic communications shall be waived during such emergency conditions.

The Board authorizes the administration to utilize available technical resources to permit the public to attend and submit public comment during open meetings via electronic communications, in accordance with law and Board procedures and policy.[3][4]

Legal

1. 24 P.S. 407

2. Pol. 805

3. 65 Pa. C.S.A. 701 et seq

4. Pol. 903

Pol. 006

Book Policy Manual
Section 000 Local Board Procedures
Title Policy Process
Code 009
Status First Reading 2/16/21

Adopted

Policy Development

It shall be the sole responsibility of the Board to approve and adopt Board policy.

The Superintendent or designee shall be responsible for recommending policy language to the Board that is necessary or would be helpful to ensure the efficient and effective operation of the district.

Solicitor Involvement in Policy Development

The District solicitor will be consulted when, in the Superintendent's and/or Board's opinion, there may be a question of legality or proper legal procedure in the development of a proposed policy and/or when the policy makes reference to or otherwise implicates the law.

Policy Adoption

The formal adoption of policies shall follow the Legislative procedures detailed in Board Policy 003.

Policy Implementation

The implementation of policies shall follow the Executive procedures detailed in Board Policy 003.

The Superintendent and other individuals specifically named within a policy shall be responsible for carrying out the policies established by the Board.

District employees are responsible for following appropriate Board policies at all times.

Policy Availability and Access

All current Board policies will be made available on the District website at:
www.palmerton.org

Book Policy Manual
Section 000 Local Board Procedures
Title School Board Use of Electronic Mail
Code 010
Status First Reading 2/16/21
Adopted

Purpose

Use of electronic mail (email) by Board members must conform to the same standards of judgment, propriety, and ethics as other forms of Board-related communication.

Guidelines

Board members shall comply with the following guidelines when using email in the conduct of Board responsibilities:

1. The Board shall not use email as a substitute for deliberations at Board meetings and/or Workshops or for other communications or business properly confined to Board meetings, except under extraordinary circumstances and in accordance with Board policy.[1]
2. Board members should be aware that email and email attachments received or prepared for use in Board business or containing information relating to Board business are likely to be regarded as public record.[2]
3. Board members should avoid references to confidential information about employees, students, or other matters in email communications because of the risk of improper disclosure. Board members must comply with the same standards as school employees with regard to confidential information.
4. Each board member must have an official District-issued email address published on the district website.
5. Board members must use their district-issued email address (not a personal email address) for District and Board related communications.

Legal 1. Pol. 006.1
2. Pol. 801