

## **AMHERST, MONT VERNON, SOUHEGAN, and SAU39 POLICY**

### **BAAA – BOARD POLICIES AND ADMINISTRATIVE PROCEDURES**

#### GENERALLY

The policies of the Board are intended to establish the general and overall rules within which day-to-day operations of the District are to be governed. Procedures for carrying out and implementing the broad policies of the Board on a day-to-day basis are to be fashioned and adopted by the administration, under the direction of the Superintendent. As applicable, members of the District community are expected to comply with both Board policy and administrative procedures, subject to the limitations and exceptions set forth herein. However, the failure of the Board or the Administration to comply with policy shall not invalidate any lawful action taken.

#### CONTENTS OF BOARD POLICY AND ADMINISTRATIVE PROCEDURE

The policies of the Board are formally adopted by the Board. Job descriptions, Student Handbooks, and Employee Handbooks are Administrative Procedures. Administrative procedure is not part of Board policy and may be altered by the administration without Board action. Administrative procedure, however, may not conflict with Board policy.

#### LIMITATIONS OF POLICY

Neither the policies of the Board nor the procedures of the administration are intended, nor shall they be construed, to supersede or preempt any applicable laws, whether constitutional, statutory, regulatory, or common in origin. Consequently, all Board policies and administrative procedures shall be given both an interpretation and application which is lawful. The Board shall have the final interpretation of its policies and the administration shall have the final interpretation of its procedures.

As the Board policies and administrative procedures are limited by legal constraints, so too are the rights of those to whom the Board policies and administrative procedures apply. Neither the policies of the Board nor the procedures of the administration are 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 Board policy shall rest exclusively with the Board, and enforcement of administrative procedures shall rest exclusively with the administration.

Board policy and administrative procedure shall not preempt, create, supplant, expand or restrict the rights or liabilities of students, employee, taxpayers, or others within the District beyond those that are established in law and are not intended to restrict or limit students, employees, or other members of the District community from pursuing any claims or defenses available under law.

#### Exceptions

Exceptions to any policy or the application of any policy may be made if requested or recommended in accordance with the following procedures:

- a. Any person may request an exception to any Board policy or the application of same by submitting a letter to the Superintendent. The request shall identify: (1) the name, address and telephone number of the person making the request; (2) the policy for which the exception is being requested; (3) the action that the requesting individual desires, and (4) the rationale supporting the need for an exception.
- b. The Superintendent or Designee, shall conduct a sufficient investigation of any request for an exception so as to be able to formulate a recommendation for the Board. Among the factors

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to be evaluated are the relevant facts related to the request, the rationale of both the policy and the request for the exception; and the disposition of prior requests for exceptions to the same or similar policies.

c. Following the Superintendent's investigation, the Superintendent may place the request for exception on the agenda and shall report to the Board the circumstances surrounding the request and his/her recommended disposition. The person requesting the exception shall be notified in advance of this agenda item, and shall be given a reasonable opportunity to address the Board before the Board determines whether to grant the request for an exception.

d. The Board shall have final and exclusive authority to determine whether to grant any request for an exception and shall be the sole judge of whether the rationale for the exception is sufficient, taking into consideration the recommendation of the Superintendent. Moreover, the granting of exceptions in the same or similar cases shall not constitute binding precedent or practice inasmuch as the prior grant of an exception may establish that the granting of an exception is ill-advised.

e. Exceptions to administrative procedure shall be made in accordance with the procedures established by the Superintendent.

Adopted: October 13, 2021 (SAU)