

POLICY BG

Board of Education Las Cruces Public Schools

Related Entries: BBA
Responsible Office: Board of Education

POLICY ADOPTION, REVISION AND REVIEW

I. PURPOSE

To ensure that the formation of school district policies, and their subsequent revision or review, shall follow a process as approved by the Board of Education.

II. BACKGROUND

- A. In compliance with state statute §22-5-14 NMSA 1978, and district policies, the school board delegates to the Superintendent the authority necessary to administer, supervise and operate the school district; and to promulgate the regulations necessary to do so. In the delegation of that responsibility, the Board recognizes that some of the duties assigned for the operation of the school district are solely those of the Superintendent and/or his/her designee.
- B. The Board recognizes that it retains sole responsibility for specific duties as outlined in state statute §22-5-4 NMSA 1978, including the promulgation of policy.
- C. The Board additionally recognizes that the Superintendent and the School Board share responsibility in some instances. The Superintendent's interpretation of these separate and joint responsibilities, in all actions taken, shall be consistent with duties set forth for the Superintendent and for the Board under state or federal law, and in full compliance with school district policy.

III. POSITION

- A. Any Board member can request that Board policies be considered and/or brought forward for consideration consistent with the New Mexico Open Meetings Act and other applicable Board policy.
- B. In general, Board policies may be adopted, deleted, or revised after being reviewed at two previous public meetings of the Board of Education. The exceptions to this process are as follows:
 - 1. If the policy's primary focus is to enforce or implement state or federal statutes and/or their corresponding regulations, the Board may opt to waive

subsequent readings in order to adopt the policy immediately after its first reading;

2. If the Board determines that it is in the best interest of the School District to take immediate action, the third review in order to adopt, delete, or revise Board policies may be waived;
3. It is the Board's prerogative that any policy be reviewed more than three times prior to adoption, deletion or revision.

3.4. In the event of a change in state or federal law, the district will act in accordance with the law until the corresponding policy or policies are revised.

~~C.~~

~~D.C.~~ In emergency cases, where action must be taken and where an adopted policy does not provide the needed direction, the Superintendent shall have the power to act, but the decision shall be subject to review by the Board. It shall be the duty of the Superintendent to immediately inform the Board of such action and of the need for a new policy.

~~E.D.~~ It shall be the duty of the Superintendent to advise the Board from time to time of the need for policy revision so that all Board policies are in conformance with state and federal laws and regulations. It is the duty of the Board to accept or reject or modify the Superintendent's recommendations in conformance with state and federal laws; and, as it sees fit, to seek external advice.

~~F.E.~~ The Superintendent shall provide notice to the public of intended policy changes made by the Board. Proposed changes and complete, current copies of the Board Policies shall be available on the LCPS website [www.lcps.k12.nm.us]. The Administration will ensure the Board's policies are accessible to those who do not have access to the Internet.

~~G.F.~~ If any section, paragraph, clause or provision of the policies for any reason shall be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of a policy or policies or its application to other situations.

IV. REVIEW

This Policy shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.



October 19, 2010

Board of Education, President

Date Approved

History: Formerly Policy 110, 10.21.2008; 10.19.10

Legal Reference: §22-5-4 NMSA 1978; Chapter 10, Article 15 NMSA 1978; §22-5-14 NMSA 1978