

Bylaw

SUSPENSION OF POLICIES, BYLAWS AND REGULATIONS

The board of education has developed a careful and deliberate process of formulating and adopting its policies and bylaws. Requests for suspension of any existing policy or bylaw should receive the same careful consideration.

Therefore:

- A. Any request for a waiver of policy or bylaw shall be considered in light of the policy or bylaw itself, rather than any particular circumstances of the moment.
- B. The board shall decide whether the policy or bylaw still reflects the considered intent of the board. If it does, the suspension will be denied and the policy or bylaw reaffirmed in the minutes.
- C. If the policy or bylaw does not reflect the intent of the board, then the policy shall be waived by a majority vote of the members of the board present and voting and development of a revised policy or bylaw shall become the board's prime policy priority.
- D. The board shall determine whether rights of the public would be adversely affected by the proposed suspension or waiver of policy. If the public's rights would be adversely affected, the suspension or waiver will be denied.

In the event of an emergency requiring immediate action, the Superintendent shall have the power to waive policy or regulation in the single instance. In such cases, the Superintendent shall report the instance to the board president immediately, and request reconsideration of the policy at the next regular meeting.

**Date Reviewed: 10/6/04; 03/14/2012**

**Date Adopted: 11/17/99; 11/17/04; 05/09/2012**

Legal References: Use legal reference sheet.

Cross References: List your appropriate policies. See legal reference sheet for possibilities.

Key Words

Policy; Board Policy; Bylaws; Board Bylaws; Regulations; Administrative Regulations; Suspension of Policies; Bylaws and Regulations

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**Legal References**

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**Other Reasons:**

It is advisable to have a bylaw providing for emergency suspension of policy, bylaw or a regulation, due to sudden unforeseeable circumstances. The board cannot waive a legal requirement and should be wary of granting waivers of its policies, bylaws and regulations without weighing possible consequences.

**Recommendation:**

A bylaw providing for immediate reconsideration of the policy, bylaw or regulation to determine its continuing appropriateness.

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:17-20	Tenured and non-tenured superintendents; general powers and duties
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:32-2.1	Definitions (chief school administrator and administrative principal)
	<u>N.J.A.C.</u> 6A:32-4.3	Evaluation of tenured and nontenured chief school administrator

Matawan Teachers' Assn. v. Board of Education 223 N.J. Super 504 (App. Div. 1988)

**Possible**

<b><u>Cross References:</u></b>	*2210	Administrative leeway in absence of board policy
	*9311	Formulation, adoption, amendment of policies
	*9312	Formulation, adoption, amendment of bylaws
	*9313	Formulation, adoption, amendment of administrative regulations

\*Indicates policy is included in the Critical Policy Reference Manual.