

Bylaw

SUSPENSION OF POLICIES, BYLAWS AND REGULATIONS

The Haworth 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/principal shall have the power to waive policy or regulation in the single instance. In such cases, the superintendent/principal shall report the instance to the board president immediately, and request reconsideration of the policy at the next regular meeting.

A State Department of Education Equivalency and Waiver process exists which permits school districts to requests waivers to state statute, federal law or State Board of Education regulations (except in the area of special education). This process allows districts to request equivalencies to or waivers of district policies.

The superintendent/principal shall keep the board apprised of all new State Board of Education regulations. The board shall consider this information in light of its own policies to determine if there is any conflict requiring a request for an equivalency or waiver.

Should the board wish to seek a waiver from or present an equivalency to a law, statute or regulation, it shall follow the process established by the Commissioner of Education. Should the board wish to seek a waiver from or present an equivalency to a law, statute or regulation, it shall follow the process established by the Commissioner of Education.

It may become necessary in the case of an emergency that the superintendent/principal may find it necessary to temporarily suspend a policy or bylaw of the board in order to deal with the emergency situation. Should this situation arise, the superintendent/principal shall inform the board of his/her action as expeditiously as possible.

Adopted: January 29, 2002
Readopted: June 26, 2007
NJSBA Review/Update: September 2009
Readopted: May 2010

SUSPENSION OF POLICIES, BYLAWS, AND REGULATIONS (continued)

Legal References:	<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 (superintendent and administrative principal)
	<u>N.J.A.C.</u> 6A:32-4.3	Evaluation of tenured and nontenured superintendent
	<u>Matawan Teachers' Assn. v. Board of Education</u> 223 N.J. Super 504 (App. Div. 1988)	

Possible

Cross References:	*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.