

# BYLAW GUIDE

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[See POLICY ALERT Nos. 199 and 211]

[For Districts with a Bylaw and Policy Manual]

## 0000.01 INTRODUCTION

### Definitions

The following terms used in these bylaws and policies shall have the meanings set forth below unless the context requires a different meaning or a different definition is supplied:

“Board” means the Board of Education of \_\_\_\_\_.

“Bylaw” means a rule of the Board for its own operation.

“Chief School Administrator” means the Chief Executive Officer of this school district, whose title in this district is \_\_\_\_\_  
**(Superintendent or Chief School Administrator).**

“Collective Bargaining”, “Negotiated Agreement”, or “Collective Bargaining Agreement” means a contract collectively negotiated by the Board of Education and a recognized bargaining unit.

“Commissioner” means the New Jersey State Commissioner of Education.

“Core Curriculum Content Standards” means the New Jersey **Student Learning Standards** ~~Core Curriculum Content Standards and the Common Core State Standards initiatives coordinated by the Council of Chief State School Officers (CCSSO) and the National Governor’s Association (NGA) in partnership with other national organizations.~~

“County Superintendent” means the Executive County Superintendent of Schools designated by the Department of Education for this school district. ~~“Executive County Superintendent” means the “County Superintendent.”~~

“Day” means a calendar day.

**“Division of Youth and Family Services” or “DYFS” means the New Jersey Department of Children and Families – Division of Child Protection and Permanency or DCP&P.**



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**“Executive County Superintendent” means the “County Superintendent designated by the Department of Education for this school district.”**

“Full Board” means the authorized number of voting members of the Board of Education.

“Meeting” means a gathering that is attended by or open to all of the members of the Board of Education, held with the intent on the part of the Board members present to discuss or act as a unit on the specific public business of the Board of Education.

**“New Jersey Student Learning Standards” or “NJSLs” means standards adopted by the State Board of Education on May 1, 1996, and as thereafter revised by the State Board, and the Common Core State Standards adopted by the State Board on June 16, 2010, and as thereafter revised by the State Board, that describe the knowledge and skills all New Jersey students are expected to acquire by benchmark grades in the following areas: English language arts; mathematics; science; social studies; visual and performing arts; comprehensive health and physical education; world languages; technology; and 21st century life and careers. The standards are established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-46 and as a basis for the evaluation of school districts in accordance with N.J.A.C. 6A:30.**

“Parent” means the natural parent(s), adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. Where parents are separated or divorced, “parent” means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student provided such parental rights have not been terminated by a court of appropriate jurisdiction.

“Policy” means a Statement, formally adopted by the Board of Education, in which the Board recognizes the mandates and constraints of law, establishes practices and standards binding on staff members and students, and gives direction to the Superintendent.

“President” means the President of the Board of Education.

“Principal” means the administrator in charge of a school building or facility; except where prohibited by law, “Principal or designee” means the qualified person duly delegated by the Principal to discharge a particular duty in place of the Principal.



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“Professional employee” means a teaching staff member.

“Pupil” means a student enrolled in a school in this district.

“Regulation” means a Statement developed and promulgated by the Superintendent that details the specific operations by which Board policy or a legal mandate is implemented.

“Secretary” means the Secretary of the Board of Education.

“Student” means a pupil enrolled in a school in this district.

“Superintendent” means the Chief School Administrator of this school district; except where prohibited by law, “Superintendent” means the qualified person duly delegated by the Superintendent to discharge a particular duty in place of the Superintendent.

“Support staff member” means an employee who holds a position for which no certificate issued by the New Jersey State Board of Examiners is required.

“Teaching staff member” means an employee who holds a position for which a certificate issued by the New Jersey State Board of Examiners is required.

“Treasurer” means the Treasurer of School Moneys for this school district.

## Construction

The following rules of construction apply to these bylaws and policies:

1. Wherever possible, language shall be given its clear and ordinary interpretation;
2. Language shall be construed to have a meaning that complies with law;
3. In the event bylaws and policies conflict with one another, the later adopted bylaw or policy shall take precedence over the earlier, and the more specific bylaw or policy shall take precedence over the more general;



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4. Except as otherwise provided by the context, the auxiliary verbs “shall,” “will,” and “must” indicate a mandated action, and the auxiliary verb “may” indicates an action that is permitted but is not mandated.

### Effectuation

Except as may otherwise be expressly provided, a bylaw or policy will become effective on the date it is adopted and a revised bylaw or policy will become effective on the date it is revised.

### Citations

Bylaws and policies may contain citations to the following codifications of State and Federal laws and regulations:

1. United States ~~Code Statutes~~ - **U.S.C.**  
~~20 U.S.C.A. Education~~
2. United States Regulations – **Code of Federal Regulations (C.F.R.)** ~~34 C.F.R. Education~~
3. New Jersey Statutes  
N.J.S.A. 2C Code of Criminal Justice  
N.J.S.A. 9 Children-Juvenile and Domestic Relations  
N.J.S.A. 10 Civil Rights  
N.J.S.A. 11 Civil Service  
N.J.S.A. 17 Corporations and Institutions for Finance and Insurance  
N.J.S.A. 18A Education  
N.J.S.A. 19 Elections  
N.J.S.A. 24 Food and Drug  
N.J.S.A. 26 Health and Vital Statistics  
N.J.S.A. 27 Highways  
N.J.S.A. 30 Institutions and Agencies  
N.J.S.A. 34 Labor and Worker's Compensation  
N.J.S.A. 36 Legal Holidays  
N.J.S.A. 39 Motor Vehicles and Traffic Regulation  
N.J.S.A. 41 Oaths and Affidavits  
N.J.S.A. 45 Professions and Affidavits  
N.J.S.A. 47 Public Records



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N.J.S.A. 52 State Government, Departments, and Officers  
N.J.S.A. 53 State Police  
N.J.S.A. 54 Taxation  
N.J.S.A. 59 Tort Claims

4. New Jersey Administrative Code

N.J.A.C. 1 Administrative Law  
N.J.A.C. 6 & 6A Education  
N.J.A.C. 8 Health  
N.J.A.C. 10 Human Services  
N.J.A.C. 13 Law and Public Safety  
N.J.A.C. 17 Treasury-General

## Severability

If any part of this manual is made invalid by judicial decision or legislative or administrative enactment, all other parts shall remain in full effect unless and until they are amended or repealed by the Board of Education.

## Enactment

The official record of the adoption, amendment, or repeal of the bylaws and policies of this district shall be the minutes of meetings of the Board of Education. Such alterations shall be duly entered in this manual; a master copy of the policy manual shall be maintained by the \_\_\_\_\_ and shall be the manual to which all others may be compared for accuracy.

## Reference

~~References to previous bylaws and policies indicate the code designation of like matter in the previous codification of the bylaws and policies of this district.~~

