

INTRODUCTION

Definitions

The following terms used in these bylaws, policies and regulations 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 Directors of Essex Regional Educational Services Commission.

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

"Chief School Administrator" means the Chief Executive Officer of this Commission, whose title in this Commission is Superintendent.

"Commissioner" means the New Jersey State Commissioner of Education.

"County Superintendent" means the County Superintendent of Schools for Essex County.

"Day" means a calendar day.

"Full Board" means the authorized number of voting members of the Board of Directors.

"Meeting" means a gathering that is attended by or open to all of the members of the Board of Directors, 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 Directors.

"Collective Bargaining" or "Negotiated Agreement" means a contract collectively negotiated by the Board of Directors and a recognized bargaining unit.

"Parent" means the parent(s) or legal guardian(s) having legal custody and control of a pupil.

"Policy" means a statement, formally adopted by the Board of Directors, in which the Board recognizes the mandates and constraints of law, establishes practices and standards binding on staff members and pupils, and gives direction to the Superintendent.

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

"President" means the President of the Board of Directors.

"Professional employee" means an employee who holds a position for which a certificate issued by the New Jersey State Board of Examiners is required.

"Pupil" or "Student" means a person enrolled in a school in this Commission.

"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 Directors.

"Superintendent" means the Chief School Administrator of this Commission; except where prohibited by law, "Superintendent or designee" also 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 Commission.

#### Construction

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

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, policies and regulations conflict with one another, the later adopted bylaw, policy or regulation shall take precedence over the earlier, and the more specific bylaw, policy or regulation shall take precedence over the more general;
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, policy or regulation will become effective on the date it is adopted and a revised bylaw, policy or regulation will become effective on the date it is revised.

#### Citations

Bylaws, policies and regulations may contain citations to the following codifications of state and federal laws and regulations:

1. United States Statutes  
20 U.S.C.A. Education
2. United States Regulations  
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
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 Directors or until regulations issued by the Superintendent are amended.

Enactment

The official record of the adoption, issuance, amendment, or repeal of the bylaws, policies and regulations of this Commission shall be the minutes of meetings of the Board of Directors. Such alterations shall be duly entered in this manual; a master copy of the bylaw, policy and regulation manual shall be maintained by the Superintendent or designee and shall be the manual to which all others may be compared for accuracy.