

## 0120 AUTHORITY AND POWERS

Those duties which a Board must perform to comply with the statutes and the directives of the State Board of Education are:

### A. Educational Program

1. Provide courses of study suitable to the age and attainments of all pupils between the ages of five and twenty years and pupils with educational disabilities between the ages of three and twenty-one years.
2. Provide suitable facilities and convenience of access thereto for the implementation of the educational program.
3. Determine annually the dates between which the schools of the district shall be open in accordance with law.
4. Provide the textbooks and other necessary school supplies free of cost to all pupils.
5. Identify and ascertain which children three through twenty-one years of age cannot be properly accommodated through school facilities because of their disabilities.
6. Report to the County Superintendent all children in special education instructional services and any known children with educational disabilities who are not attending school.
7. Provide suitable facilities and programs of education for all children with educational disabilities whether or not such facilities exist in the school district.
8. Pay tuition whenever a child with educational disabilities is confined to a hospital, home, or institution and is enrolled in an educational program approved in this article.
9. Make rules for safekeeping and proper care of textbooks and keep account of moneys expended for textbooks and other supplies, in accordance with bookkeeping directions prescribed by the State Board.



10. Adopt a course of study in community civics, and geography, history, and civics of New Jersey, and the privileges and responsibilities of citizenship.
  11. Provide instructional programs on the nature of drugs, alcohol and controlled dangerous substances along with their physiological, psychological, sociological and legal effects on the individual, family and society.
  12. Give regular courses of instruction in accident and fire prevention.
  13. Give regular courses of instruction in the constitution of the United States.
  14. Conduct courses in health, safety and physical education.
  15. If maintaining a program of adult education, determine the courses, charge and collect tuition, and apply all such income to the adult school program.
  16. Provide appropriate exercises for the development of a higher spirit of patriotism on last school day preceding:
    - Lincoln's Birthday
    - Washington's Birthday
    - Memorial Day
    - Columbus Day
    - Veteran's Day
    - Thanksgiving Day
  17. Approve annually the interscholastic sports program.
  18. Provide appropriate exercises for the observation of Flag Day (June 14), Arbor Day (April 28), Commodore Barry Day (September 13).
  19. Present to each pupil upon his/her graduation from elementary school a copy of the Declaration of Independence, the Constitution of the United States and the Constitution of the State of New Jersey and the amendments thereto.
- B. Personnel Matters
1. Employ and determine compensation and term of employment (within provisions of tenure act) for Board Secretary (or School Business Administrator), Superintendent, Principals, teachers, janitors, custodians, and other officers and employees, as it shall determine.



2. Appoint a suitable number of persons to be designated as Attendance Officers, fix compensation, and make rules therefore.
3. Employ physician(s) and nurse(s) and fix salaries and terms of office.
4. Appoint such supervisors, teachers, etc., as it shall think necessary for the proper maintenance, control, and management of playgrounds and recreational places and fix compensation and terms.
5. Employ separately or jointly psychological examiner, or contract to use services of agency or clinic.
6. Prior to employment of school bus drivers, criminal history record checks are to be conducted and upon the written notification from the Commissioner of Education only hire applicants that are not disqualified by State Statute.
7. Employment will be in compliance with all non-discriminatory State and Federal laws.
8. Inform each person upon employment of his/her duties and obligations under Chapter 66 as a condition of his/her employment, notify the retirement system of his/her appointment within ten days, keep records, make salary deductions and transfer them to retirement system, and make statements of amounts so paid.
9. Individual psychiatric or physical examinations of any employee may be required by the district Board of Education whenever, in the judgment of the Board, an employee shows evidence of deviation from normal physical or mental health. An employee who has reason to challenge the direction of the district's Board of Education to undergo psychiatric or physical examinations is entitled to due process rights. When the Board requires an employee to undergo such an examination:
  - a. The Board must provide the employee with a written statement of reasons for the required examination. The Board, if requested, shall provide the employee with a hearing.
  - b. The employee has the option to appear before the Board within ten days to refute those reasons.
  - c. An employee who requests a hearing before the Board may be represented by counsel and may present witnesses.



d. Any such hearing will be privately conducted, and the employee shall be notified in writing of its outcome.

e. The determination of such a hearing shall be appealable to the Commissioner of Education pursuant to New Jersey Statute.

10. Grant permission to any full-time teaching staff member, secretary or clerk to attend annual convention of N.J.E.A. for not more than two days, salary to be paid upon filing proof of attendance.

11. Terminate contract of any teacher when informed by County Superintendent that person is not properly certified.

## C. Pupil Concerns

1. Reinstatement a suspended pupil or continue any suspensions beyond second regular Board meeting, or expel a pupil.

2. Require wearing of protective eye devices in shops, labs and other areas of danger to eyes.

3. Require tests for tuberculosis and keep all records confidential, except for examination by State and local health officers.

4. Adopt rules to enforce ban on certain pupil organizations.

5. Require all pupils except as noted in Statutes to salute the flag and pledge allegiance to it on every school day.

6. Whenever providing transportation for public school pupils going to nonpublic schools within twenty miles in the State of New Jersey.

7. Furnish daily transportation for disabled children.

8. Provide for such diagnostic examinations as are necessary to determine the need of special education programs for pupils who manifest specified disabilities.

9. Establish and put to use criteria to evaluate the effectiveness of programs for the education of the handicapped.



D. Finances and Property

1. Cause an annual audit of the district's accounts and financial transactions to be made by a public school accountant no later than four months after the end of the school fiscal year.
2. Cause the recommendations of the auditor to be read and discussed within thirty days of receipt at a regular scheduled public meeting.
3. Whenever receiving unappropriated monies transferred to it from the municipality, apply the monies as provided in statute.
4. Require that all bidders on contracts for public work which shall exceed authorized statutory amount shall first be classified by the State Board.
5. Require that no claim or demand is paid unless it is authorized by law and the rules of the Board, is itemized and verified, has been audited and approved by the Board, and the amount is available for that purpose.
6. Advertise for bids for transportation contracts over bid threshold and at a time and place advertised, receive, unseal, and reveal such proposals.
7. When receiving pupils under terms of statute, determine tuition rate to be paid by sending Board of Education.
8. Reimburse the State for a proportionate share of the amount paid by the State for the expenses of administering the retirement system.
9. When owning and operating buses, furnish liability insurance.
10. Have title to and supervision, control, and management, of all property (real and personal) of the school district.
11. Have full control over all lands, public playgrounds, and recreation places acquired or leased by it.
12. Keep all insurable property, real and personal, of the district insured against loss or damage by fire and in its discretion against other loss or damage.
13. Provide by resolution for acceptance, application, custody and maintenance of property donated to it for higher education scholarship purposes.



14. A district Board of Education, after review of the Board Secretary's monthly financial report (appropriations section) and upon consultation with the appropriate district officials and the recommendation of the School Business Administrator, shall certify in the minutes each month that no major account or fund has been expended in violation of New Jersey Administrative Code and that sufficient funds are available to meet the district's financial obligations for the remainder of the fiscal year.

E. Organization and Operations

1. Adopt an official seal by which all official acts may be authenticated.
2. Enforce the rules and regulations prescribed by the State Board of Education.
3. Make an annual report to the Commissioner of Education on or before August 1 in the manner and form prescribed by the Commissioner.
4. Pay the cost of defending a Board member, officer, or employee for reasonable legal expenses, incurred in defending civil suits against him/her arising out of the performance of his/her official duties, and also pay the costs of such defense in a criminal action if its disposition is favorable to defendant.
5. Join the State School Board's Association; select annually one member as a delegate; pay all necessary expenses of delegates thereto, and such sums as dues that may be assessed by the Association.
6. Meet semi-annually with other Boards in the County at the time and place fixed by the County Superintendent.
7. Procure and display the U.S. flag on or near each school building, in the assembly, and in each classroom.
8. Establish and implement a specific eye protection program in the public schools of the district in compliance with law.
9. Maintain such records and accounts, including personnel, financial, and pupils' information and evaluation records, as are deemed necessary by the Commissioner.
10. Designate the pupils to be transported to school.



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11. Adopt rules to govern the health services in the school district.
12. Furnish each school building with necessary facilities, equipment and supplies for performance of duties required, under State law and rule, by the medical staff.
13. Adopt rules and a program of procedures for the care of pupils injured at school and require that such rules and programs be explained at the beginning of each school year to all employees and that copies be posted.
14. Adopt a free and reduced price meals policy pursuant to Federal regulations.

Each Board member:

- A. Will be provided with a copy of these bylaws and policies; it shall be returned to the Board Secretary when he/she is no longer a member of the Board.
- B. Shall when required by order of the State Board of Education attend to that body, its committees, or to the Commissioner of Education.

The President shall preside at all meetings of the Board; he/she shall appoint all committees and be an ex officio member of each; he/she shall subscribe bonds, notes, contracts, and other legal instruments for which the signature of the President is required by law.

The Vice President shall assume and discharge the duties of the President in his/her absence, disability or disqualification.

The Board Secretary shall:

- A. Give notice of all regular and special meetings (including the organization meeting) of the Board to the members.
- B. Record the minutes of all proceedings of the Board.
- C. Record the results of any annual or special school election.
- D. Collect tuition fees and other moneys due the Board and transmit them to the Custodian of School Moneys.
- E. Examine and audit all accounts and demands against the Board, present them to the Board at its meetings, indicate the Board's approval, and send them to the Custodian for payment.



- F. Keep accounts of the school district's financial transactions, including a correct detailed account of all expenditures.
- G. Report to the Board at each regular meeting the amount of the total appropriations and cash receipts for each account and the amounts or orders or contractual obligations incurred and chargeable against each account.
- H. Keep all contracts, records, and documents belonging to the Board.
- I. Give the Board a detailed report of its financial transactions at the close of each fiscal year and file a copy with the County Superintendent.
- J. Report to the Commissioner annually the amount of unpaid school debt, the interest rate payable, the dates of issue, and the due dates of bonds or other indebtedness.
- K. Prepare a summary of the annual audit and recommendations prior to the meeting of the Board to act thereon and supply copies of the summary to interested persons.

The Custodian of School Moneys shall:

- A. Receive and hold in trust all school moneys, except funds from pupil organization activities and deposit them in the bank(s) designated by the Board.
- B. Pay out school moneys only on warrants made payable to the person entitled to receive payment and specify the object for which it is issued and signed by the President, School Business Administrator and Custodian.
- C. Receive school employee payrolls and a warrant for the full amount of each payroll certified by the President and School Business Administrator, deposit the warrants in a separate payroll account, and issue individual checks drawn on such account to each employee.
- D. Give public notice when funds are on hand for the payment of interest bearing warrants issued for which no funds were available.
- E. Keep a record of moneys received and paid out in books provided for that purpose and in accordance with a bookkeeping system prescribed by the State Board.
- F. Pay over the balance of school funds in his/her hands to his/her successor.





- G. Render a monthly report to the Board giving a detailed account of all receipts, the amounts of all warrants issued, the accounts from which they were drawn, and the balance in each account.
- H. Render an annual report showing the amounts received and disbursed by him/her during the school year and file a copy with the County Superintendent.

The public school accountant shall file a report of his/her audit and recommendations with the Board and two copies with the Commissioner.

The Board shall exercise its powers through the legislation of bylaws and policies for the organization and operation of the school district.

- A. Bylaws which are not dictated by the statutes or administrative codes or ordered by the Commissioner or Courts and which are not in violation of any existing collective bargaining agreement may be adopted, repealed, or amended at any regular or special meeting, provided such alteration or adoption shall have been proposed at a meeting of the Board by a recorded majority vote of the full membership of the Board and provided that the proposed bylaw once read shall remain on the agenda until adopted or rejected.
- B. Policies which are not dictated by the statutes or administrative codes or ordered by the Commissioner or Courts and which are not in violation of any existing collective bargaining agreement may be adopted, repealed, or amended at any time, provided such adoption or alteration shall have been proposed at a meeting by a recorded roll call majority vote of the whole number of members of the Board and provided that the proposed policy once read shall remain on the agenda until adopted or rejected.
- C. Amendments to proposed revisions of bylaws or policies may be adopted at the time of the second reading by a 6/9 majority of the whole number of members of the Board. In the absence of the necessary majority, another reading is required.

The Board shall be responsible for the operation of the schools but shall delegate the administrative function to the Superintendent of Schools (hereinafter called the "Superintendent"). All policies of the Board will be enforced by the Superintendent who will be responsible to the Board.

The Board may hear appeals in complaints, grievances and disciplinary actions as defined in the statutes, the contractual agreements of the Board and in these policies.



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The control of the public schools of this district shall be vested in the Board of Education, hereinafter sometimes referred to as the "Board", which is a body corporate and which has been constituted and is governed by Title 18A - Education, of the New Jersey Statutes.

The Board shall act as the general agent of the State to perform all acts and do all things, consistent with law and administrative codes, for its own government and the transaction of its business and for the proper conduct, equipment, and maintenance and the government and management of the public schools and public school property of the district and for the employment, regulation of, conduct, and discharge of its employees.

N.J.S.A. 18A:10-1; 18A:11-1; 18A:16-1; 18A:20-1; 18A:27-4

Adopted: 24 January 2011

