



Bylaws and Policies

Introduction

Bylaws and Policies of the Somerville Board of Education

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ADOPTION RESOLUTION

RESOLVED, that the bylaws and policies printed and codified in the comprehensive document entitled "Bylaws and Policies of the Somerville Board of Education are hereby adopted and that all bylaws and policies heretofore adopted by the Somerville Board of Education and inconsistent with the bylaws and policies hereby adopted are hereby rescinded, and be it further

RESOLVED, that in the event any policy, part of a policy or section of the bylaws is judged to be inconsistent with law or inoperative by a court of competent jurisdiction or is invalidated by a policy or contract duly adopted by this Board, the remaining bylaws, policies, and parts of policies shall remain in full effect.

Adopted by the Somerville Board of Education in the County of Somerset at a public meeting held at Somerville, New Jersey on the 20th day of August 1996.

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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 the Borough of Somerville.

"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.

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

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

"Day" means a calendar day.

"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.

"Negotiated agreement" means a contract collectively negotiated by the Board of Education and a recognized bargaining unit.

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

"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 pupils, and gives direction to the Superintendent.

"President" means the President of the Board of Education.

"Professional employee" means a teaching staff member. (see below).

"Pupil" means a person 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.

"Superintendent" means the chief school administrator of this school district; except where prohibited by law, "Superintendent" 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 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.
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.

5. The masculine pronoun refers to both masculine and feminine antecedents.

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 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. 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 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 Superintendent's designee 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.