

September 22, 1972

LEGISLATIVE HISTORY OF R.S.18A:28-5  
(Tenure of teaching staff members)

1962 Amendment

- L.1962 - chap.231 - A343.  
Feb.5 - Introduced by Keegan.  
Feb.19 - Passed in Assembly.  
May 14 - Passed in Senate, amended.  
May 21 - Senate amendment passed in Assembly.  
Feb.1 - Approved, chap.231.  
Amended during passage (copy enclosed)  
Statement(copy enclosed)

No hearings or reports were located.

JH/EH  
Encl.  
GC - Yes

DEPOSITORY COPY  
Do Not Remove From Library

DEPOSITORY COPY  
Do Not Remove From Library

copy 2

ASSEMBLY, No. 343

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1962

By Assemblyman KEEGAN, Assemblywoman KORDJA  
and Assemblyman STAMLER

Referred to Committee on Education

AN ACT concerning education, relating to tenure of school employees and amending sections 18:13-16, 18:13-17, 18:13-19 and 18:13-20 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Section 18:13-16 of the Revised Statutes is amended to read as follows:  
2 18:13-16. The services of all teachers, principals, *assistant principals,*  
3 *vice-principals,* superintendents, **[and]** assistant superintendents, *and such*  
4 *other employees* of the public schools *as are in positions which require them*  
5 *to hold an appropriate certificate issued by the Board of Examiners,* except-  
6 ing those who are not the holders of proper **[teachers']** certificates in full  
7 force and effect, shall be during good behavior and efficiency, (a) after the  
8 expiration of a period of employment of 3 consecutive calendar years in that  
9 district unless a shorter period is fixed by the employing board, or (b) after  
10 employment for 3 consecutive academic years together with employment at  
11 the beginning of the next succeeding academic year, or (c) after employ-  
12 ment, within a period of any 4 consecutive academic years, for the equiva-  
13 lent of more than 3 academic years, some part of which must be served in

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

14 an academic year after July 1, 1940; provided, that the time any [teacher,  
15 principal or supervising principal] *such employee* had taught in the district  
16 in which he was employed at the end of the academic year immediately pre-  
17 ceding *July 1, 1962* [July 1, 1940], shall be counted in determining such  
18 period or periods of employment in that district.

19 An academic year, for the purpose of this section, means the period  
20 between the time school opens in the district after the general summer vaca-  
21 tion until the next succeeding summer vacation.

22 *Other provisions of this section notwithstanding, any employee under*  
23 *tenure or eligible to obtain tenure pursuant thereto, who is transferred or*  
24 *promoted with his consent to another position covered by this section on or*  
25 *after July 1, 1962, shall not obtain tenure in the new position until (a) after*  
26 *the expiration of a period of employment of 2 consecutive calendar years in*  
27 *the new position unless a shorter period is fixed by the board, or (b) after*  
28 *employment for 2 academic years in the new position together with employ-*  
29 *ment in the new position at the beginning of the next succeeding academic*  
30 *year, or (c) after employment in the new position within a period of any 3*  
31 *consecutive academic years, for the equivalent of more than 2 academic years;*  
32 *provided that the period of employment in such new position shall be included*  
33 *in determining the tenure and seniority rights in the former position held*  
34 *by such employee, and in the event the employment in such new position is*  
35 *terminated before tenure is obtained therein, if he then has tenure in the*  
36 *district, such employee shall be returned to his former position at the salary*  
37 *which he would have received had the transfer or promotion not occurred*  
38 *together with any increase to which he would have been entitled during the*  
39 *period of such transfer or promotion.*

1 2. Section 18:13-17 of the Revised Statutes is amended to read as follows:

2 18:13-17. No teacher, principal, superintendent, [or] assistant super-  
3 intendent or any other employee under the tenure referred to in section  
4 18:13-16 of this Title shall be dismissed or subjected to a reduction of salary

5 in the school district except for inefficiency, incapacity, conduct unbecom-  
6 ing a teacher or other just cause and after a written charge of the cause or  
7 causes has been preferred against him, signed by the person or persons  
8 making the same, and filed with the secretary of the board of education  
9 having control of the school in which the service is being rendered, and  
10 after the charge has been examined into and found true in fact after a hearing  
11 conducted in accordance with the Tenure Employees Hearing Act. Charges  
12 may be filed by any person, whether a member of the school board or not.

1 3. Section 18:13-19 of the Revised Statutes is amended to read as follows:

2 18:13-19. Nothing contained in sections 18:13-16 [to 18:13-18] and  
3 18:13-17 of this Title or any other provisions of law relating to tenure of  
4 service shall be held to limit the right of any board of education to reduce  
5 the number of superintendents of schools, assistant superintendents, prin-  
6 cipals, [or] teachers, or other employees holding tenure pursuant to section  
7 18:13-16 employed in the school district whenever, in the judgment of the  
8 board of education it is advisable to abolish any office, position or employ-  
9 ment for reasons of a reduction in the number of pupils, economy, a change  
10 in the administrative or supervisory organization of the district, or other  
11 good cause. Dismissals resulting from such reduction shall not be by reason  
12 of residence, age, sex, marriage, race, religion or political affiliation. Any  
13 dismissals occurring because of the reduction of the number of persons  
14 under the terms of this section shall be made on the basis of seniority  
15 according to standards to be established by the Commissioner of Education  
16 with the approval of the State Board of Education. In establishing such  
17 standards, the commissioner shall classify, in so far as practicable, the fields  
18 or categories of administrative, supervisory, teaching or other educational  
19 services which are being performed in the school districts of this State and  
20 may, at his discretion, determine seniority upon the basis of years of service  
21 and experience within such fields or categories of service as well as in the  
22 school system as a whole. Whenever it is necessary to reduce the number

23 of persons covered by this section, the board of education shall determine  
24 the seniority of such persons according to the standards established by the  
25 Commissioner of Education with the approval of the State Board of Educa-  
26 tion and shall notify each person as to his seniority status. A board of  
27 education may request the Commissioner of Education for an advisory  
28 opinion with respect to the applicability of the standards to particular situ-  
29 ations and all such requests shall be referred to a panel to consist of the  
30 county superintendent of schools of the county in which the school district  
31 is situate, the secretary of the State Board of Examiners, and 1 assistant  
32 commissioner of education to be designated by the Commissioner of Educa-  
33 tion. No determination of any panel shall be binding upon the board of  
34 education or any other party in interest, nor upon the Commissioner of Edu-  
35 cation and the State Board of Education in the event of an appeal pursuant  
36 to sections 18:3-14 and 18:3-15 of the Revised Statutes. All persons dis-  
37 missed shall be placed on a preferred eligible list to be prepared by the  
38 board of education of the school district, and shall be re-employed by the  
39 board of education of the school district in order of seniority as determined  
40 by the said board of education. In computing length of service within the  
41 district, the time of service by such superintendents of schools, whether served  
42 as superintendents of schools, city superintendents or supervising principals,  
43 assistant superintendents, principals, [or] teachers, *or other employees*  
44 *holding tenure pursuant to section 18:13-16* in or with the military or naval  
45 forces of the United States of America or of this State subsequent to Sep-  
46 tember 1, 1940, shall be credited in determining seniority under this act as  
47 though such superintendents, assistant superintendents, principals, [or]  
48 teachers, *or other employees holding tenure pursuant to section 18:13-16*  
49 had been regularly employed within the district during the time of such  
50 military service. Should any superintendent of schools, assistant superintend-  
51 ent, principal, [or] teacher, *or other employee holding tenure pursuant to*  
52 *section 18:13-16* under tenure be dismissed as a result of such reduction,  
53 such person shall be and remain upon a preferred eligible list in the order

54 of seniority for re-employment whenever vacancies occur and shall be re-  
 55 employed by the body causing dismissal in such order when and if a vacancy  
 56 in a position for which such superintendent, assistant superintendent, prin-  
 57 cipal, [or] teacher, *or other employee holding tenure pursuant to section*  
 58 *18:13-16* shall be qualified. Such re-employment shall give full recognition  
 59 to previous years of service.

60 The services of any superintendent of schools, assistant superintendent,  
 61 principal, [or] teacher, *or other employee holding tenure pursuant to section*  
 62 *18:13-16* may be terminated, without charge or trial, who is not the holder  
 63 of an appropriate certificate in full force and effect issued by the State  
 64 Board of Examiners under rules and regulations prescribed by the State  
 65 Board of Education.

1 4. Section 18:13-20 of the Revised Statutes is amended to read as follows:

2 18:13-20. Any teacher, principal, [or] superintendent of schools, *assist-*  
 3 *ant superintendent, or other employee*, under tenure of service, desiring to  
 4 relinquish his position, shall give the employing board of education 60 days'  
 5 written notice of his intention, unless the local board of education shall ap-  
 6 prove of a release on shorter notice. Any teacher failing to give such notice  
 7 shall be deemed guilty of unprofessional conduct, and the commissioner may  
 8 suspend his certificate for a period not exceeding 1 year.

1 5. This act shall take effect July 1, 1962.

---

#### STATEMENT

This bill would amend the tenure of office act that applies to most profes-  
 sional educators by (1) requiring a 2-year probationary period when employees  
 in a district are promoted or transferred from one tenure position to another  
 position in which he could acquire tenure, and (2) extending coverage of the  
 tenure act to include assistant principals, vice-principals and other professional  
 employees in special teaching, administrative and supervisory positions by re-  
 lating tenure in positions to qualification and performance under appropriate  
 certification standards as determined by the Board of Examiners and the State  
 Board of Education.

*Probationary Period*

Under the present law, a teacher acquiring tenure in a district and later promoted to the position of principal or a principal promoted to the position of assistant superintendent or superintendent has tenure in the new position immediately. Boards of education frequently avoid promoting to administrative positions fully qualified candidates from within the district because tenure is immediate. By selecting a candidate from outside the district, the board has a 3-year probationary period to use before tenure is granted. Such practices are not conducive to high staff morale. Failure to adequately provide for promotions within an organization is also a violation of basic principles in personnel management.

This bill makes promotions within a district subject to a 2-year probationary period before tenure in the higher position would be attained. The employee would retain all tenure and seniority rights in the old position until tenure is acquired in the new one. Should his performance in the new post not prove satisfactory, he would return to the position in which his original tenure had been acquired.

This change should improve the over-all quality of service in our schools and also eliminate the discrimination which now works against candidates for promotion from within a district. It would also give a board of education an opportunity to observe for 2 years, a local employee in a new position before permitting him to acquire tenure.

*Extension of Tenure*

The current tenure act for professional employees of boards of education now grants tenure to teachers, principals, assistant superintendents and superintendents. Tenure is acquired after a probationary period of 3 consecutive calendar years, or 3 consecutive academic years together with employment at the beginning of the next succeeding academic year, or after employment within a period of any 4 consecutive academic years for the equivalent of more than 3 academic years.

In addition to most professional educators, nurses, janitors, secretaries, clerks, attendance officers and school board secretaries may acquire tenure. The professional employees covered by this bill are generally in positions that have been created in recent years to meet the demands of modern education. These positions are not covered by the present law simply because they were almost nonexistent at the time of the passage of the earlier tenure acts. These professional educators should have the same tenure protection granted to teachers and the majority of school administrators.

This bill would amend the tenure of office act that applies to most professional educators by extending its provisions to include assistant principals and vice-principals and such other employees as are in positions which require them to hold an appropriate certificate issued by the Board of Examiners. In addition to assistant principals and vice-principals, the following positions would be presently covered by the bill: general supervisors, secondary, elementary and vocational supervisors, directors of student personnel services, counselors, teacher-counselors, psychologists and subject supervisors who supervise more than 50% of the time.

SENATE COMMITTEE AMENDMENTS TO

**ASSEMBLY, No. 343**

---

**STATE OF NEW JERSEY**

---

ADOPTED MAY 7, 1962

Amend page 2, section 1, line 18, insert after "in that district" the following:  
", except that no employee shall obtain tenure in a position other than as a  
teacher, principal, assistant superintendent or superintendent prior to July 1,  
1964."

Amend page 5, section 5, line 1, delete "July 1, 1962," insert "immediately."

CHAPTER 231 LAWS OF N. J. 1962

APPROVED 2-1-63

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 343

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1962

By Assemblyman KEEGAN, Assemblywoman KORDJA

and Assemblyman STAMLER

Referred to Committee on Education

AN ACT concerning education, relating to tenure of school employees and amending sections 18:13-16, 18:13-17, 18:13-19 and 18:13-20 of the Revised Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State of New  
2 Jersey:

1 1. Section 18:13-16 of the Revised Statutes is amended to read as follows:  
2 18:13-16. The services of all teachers, principals, *assistant principals*,  
3 *vice-principals*, superintendents, [and] assistant superintendents, and such  
4 other employees of the public schools as are in positions which require them  
5 to hold an appropriate certificate issued by the Board of Examiners, except-  
6 ing those who are not the holders of proper [teachers'] certificates in full  
7 force and effect, shall be during good behavior and efficiency, (a) after the  
8 expiration of a period of employment of 3 consecutive calendar years in that  
9 district unless a shorter period is fixed by the employing board, or (b) after  
10 employment for 3 consecutive academic years together with employment at  
11 the beginning of the next succeeding academic year, or (c) after employ-  
12 ment, within a period of any 4 consecutive academic years, for the equiva-  
13 lent of more than 3 academic years, some part of which must be served in  
14 an academic year after July 1, 1940; provided, that the time any [teacher,

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

15 principal or supervising principal] *such employee* had taught in the district  
16 in which he was employed at the end of the academic year immediately pre-  
17 ceding *July 1, 1962* [July 1, 1940], shall be counted in determining such  
18 period or periods of employment in that district, *except that no employee*  
18A *shall obtain tenure in a position other than as a teacher, principal, assistant*  
18B *superintendent or superintendent prior to July 1, 1964.*

19 An academic year, for the purpose of this section, means the period  
20 between the time school opens in the district after the general summer vaca-  
21 tion until the next succeeding summer vacation.

22 *Other provisions of this section notwithstanding, any employee under*  
23 *tenure or eligible to obtain tenure pursuant thereto, who is transferred or*  
24 *promoted with his consent to another position covered by this section on or*  
25 *after July 1, 1962, shall not obtain tenure in the new position until (a) after*  
26 *the expiration of a period of employment of 2 consecutive calendar years in*  
27 *the new position unless a shorter period is fixed by the board, or (b) after*  
28 *employment for 2 academic years in the new position together with employ-*  
29 *ment in the new position at the beginning of the next succeeding academic*  
30 *year, or (c) after employment in the new position within a period of any 3*  
31 *consecutive academic years, for the equivalent of more than 2 academic years;*  
32 *provided that the period of employment in such new position shall be included*  
33 *in determining the tenure and seniority rights in the former position held*  
34 *by such employee, and in the event the employment in such new position is*  
35 *terminated before tenure is obtained therein, if he then has tenure in the*  
36 *district, such employee shall be returned to his former position at the salary*  
37 *which he would have received had the transfer or promotion not occurred*  
38 *together with any increase to which he would have been entitled during the*  
39 *period of such transfer or promotion.*

1 2. Section 18:13-17 of the Revised Statutes is amended to read as follows:

2 18:13-17. No teacher, principal, superintendent, [or] assistant super-  
3 intendent or any other employee under the tenure referred to in section  
4 18:13-16 of this Title shall be dismissed or subjected to a reduction of salary

5 in the school district except for inefficiency, incapacity, conduct unbecom-  
6 ing a teacher or other just cause and after a written charge of the cause or  
7 causes has been preferred against him, signed by the person or persons  
8 making the same, and filed with the secretary of the board of education  
9 having control of the school in which the service is being rendered, and  
10 after the charge has been examined into and found true in fact after a hearing  
11 conducted in accordance with the Tenure Employees Hearing Act. Charges  
12 may be filed by any person, whether a member of the school board or not.

1 3. Section 18:13-19 of the Revised Statutes is amended to read as follows:

2 18:13-19. Nothing contained in sections 18:13-16 [to 18:13-18] *and*  
3 *18:13-17* of this Title or any other provisions of law relating to tenure of  
4 service shall be held to limit the right of any board of education to reduce  
5 the number of superintendents of schools, assistant superintendents, prin-  
6 cipals, [or] teachers, *or other employees holding tenure pursuant to section*  
7 *18:13-16* employed in the school district whenever, in the judgment of the  
8 board of education it is advisable to abolish any office, position or employ-  
9 ment for reasons of a reduction in the number of pupils, economy, a change  
10 in the administrative or supervisory organization of the district, or other  
11 good cause. Dismissals resulting from such reduction shall not be by reason  
12 of residence, age, sex, marriage, race, religion or political affiliation. Any  
13 dismissals occurring because of the reduction of the number of persons  
14 under the terms of this section shall be made on the basis of seniority  
15 according to standards to be established by the Commissioner of Education  
16 with the approval of the State Board of Education. In establishing such  
17 standards, the commissioner shall classify, in so far as practicable, the fields  
18 or categories of administrative, supervisory, teaching or other educational  
19 services which are being performed in the school districts of this State and  
20 may, at his discretion, determine seniority upon the basis of years of service  
21 and experience within such fields or categories of service as well as in the  
22 school system as a whole. Whenever it is necessary to reduce the number

23 of persons covered by this section, the board of education shall determine  
24 the seniority of such persons according to the standards established by the  
25 Commissioner of Education with the approval of the State Board of Educa-  
26 tion and shall notify each person as to his seniority status. A board of  
27 education may request the Commissioner of Education for an advisory  
28 opinion with respect to the applicability of the standards to particular situ-  
29 ations and all such requests shall be referred to a panel to consist of the  
30 county superintendent of schools of the county in which the school district  
31 is situate, the secretary of the State Board of Examiners, and 1 assistant  
32 commissioner of education to be designated by the Commissioner of Educa-  
33 tion. No determination of any panel shall be binding upon the board of  
34 education or any other party in interest, nor upon the Commissioner of Edu-  
35 cation and the State Board of Education in the event of an appeal pursuant  
36 to sections 18:3-14 and 18:3-15 of the Revised Statutes. All persons dis-  
37 missed shall be placed on a preferred eligible list to be prepared by the  
38 board of education of the school district, and shall be re-employed by the  
39 board of education of the school district in order of seniority as determined  
40 by the said board of education. In computing length of service within the  
41 district, the time of service by such superintendents of schools, whether served  
42 as superintendents of schools, city superintendents or supervising principals,  
43 assistant superintendents, principals, [or] teachers, *or other employees*  
44 *holding tenure pursuant to section 18:13-16* in or with the military or naval  
45 forces of the United States of America or of this State subsequent to Sep-  
46 tember 1, 1940, shall be credited in determining seniority under this act as  
47 though such superintendents, assistant superintendents, principals, [or]  
48 teachers, *or other employees holding tenure pursuant to section 18:13-16*  
49 had been regularly employed within the district during the time of such  
50 military service. Should any superintendent of schools, assistant superintend-  
51 ent, principal, [or] teacher, *or other employee holding tenure pursuant to*  
52 *section 18:13-16* under tenure be dismissed as a result of such reduction,  
53 such person shall be and remain upon a preferred eligible list in the order

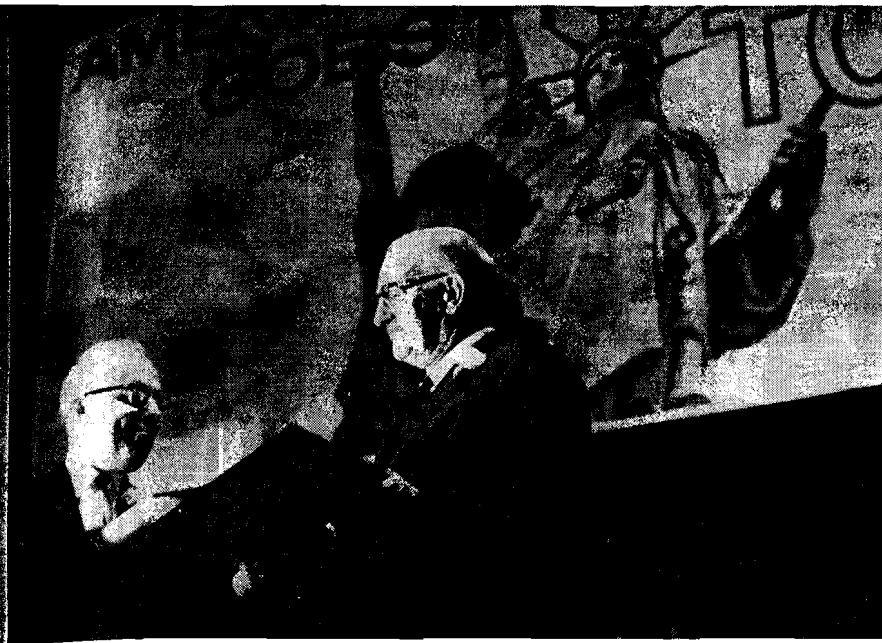
54 of seniority for re-employment whenever vacancies occur and shall be re-  
55 employed by the body causing dismissal in such order when and if a vacancy  
56 in a position for which such superintendent, assistant superintendent, prin-  
57 cipal, [or] teacher, *or other employee holding tenure pursuant to section*  
58 *18:13-16* shall be qualified. Such re-employment shall give full recognition  
59 to previous years of service.

60 The services of any superintendent of schools, assistant superintendent,  
61 principal, [or] teacher, *or other employee holding tenure pursuant to section*  
62 *18:13-16* may be terminated, without charge or trial, who is not the holder  
63 of an appropriate certificate in full force and effect issued by the State  
64 Board of Examiners under rules and regulations prescribed by the State  
65 Board of Education.

1 4. Section 18:13-20 of the Revised Statutes is amended to read as follows:

2 18:13-20. Any teacher, principal, [or] superintendent of schools, *assist-*  
3 *ant superintendent, or other employee*, under tenure of service, desiring to  
4 relinquish his position, shall give the employing board of education 60 days'  
5 written notice of his intention, unless the local board of education shall ap-  
6 prove of a release on shorter notice. Any teacher failing to give such notice  
7 shall be deemed guilty of unprofessional conduct, and the commissioner may  
8 suspend his certificate for a period not exceeding 1 year.

1 5. This act shall take effect [July 1, 1962] *immediately*.



THE N.J. OUTDOOR ADVERTISING ASSN. received this year's NJEA Award for Distinguished Service to Education. Dr. Lynch made the presentation to Charles W. Stephens, president of the organization, at the Thursday night Convention General Session. Recognition was given to the six years of cooperation by which hundreds of posters stressing teacher recruitment, college needs, and general support of education have been placed throughout the state.

foreign colleges and universities, the U.S. Office of Education.

"Teachers should not present, for advancement or preferment, degrees which have no academic value or recognition. Such practices amount virtually to the sale of diplomas or degrees and tend to discredit the profession and the intellectual integrity of the holder."

The Delegate Assembly approved the amendment in Atlantic City, on recommendation of the Ethics Committee.

NEW NEA STATE DIRECTOR Kathryn E. Stilwell of Westwood High School receives the congratulations of Rita Jacoby (left) of Jersey City and Dr. Sampson G. Smith, Franklin Township superintendent. Miss Stilwell will serve out the unexpired term of Miss Jacoby, who resigned because she is president-elect of the NEA Department of Elementary Classroom Teachers.



## Posters Win Service Award

### Outdoor Advertising Assn. named for service to schools since '55.

■ The New Jersey Outdoor Advertising Assn. has received NJEA's 1961 Award for Distinguished Service to Education.

The Outdoor Advertisers have been displaying educational posters on billboards throughout the state as a public service to New Jersey schools since 1955.

Last year, with exposure on 300 billboards, New Jersey schools re-

ceived \$23,000 worth of free advertising. This year a record number of 340 posters will be on view.

Charles W. Stephens of Long Branch, president of the Outdoor Advertising Assn., accepted the award at the first general session of NJEA's convention in Atlantic City. Dr. James M. Lynch, Jr., then NJEA president, made the presentation.

The award is presented annually to citizens who "greatly serve the schools and, through them, the children of the state." Although individuals are usually named, the prize has gone to other groups in the past. In 1946-47, for example, the N. J. Press Assn. received it.

## Tenure Amendment Proposed

### Probation in administrative jobs called spur to local promotions.

■ NJEA will move to amend the tenure law for administrators and supervisors to increase their chances for promotion within a school system.

The amendment would provide a two-year probationary period for employees promoted to an administrative or supervisory position in a district in which they already hold tenure.

Under present regulations, when a tenure teacher is promoted within a system he carries tenure with him into the new position. This has sometimes caused school boards to go outside the system to fill administrative and supervisory vacancies. Capable teachers lose the chance for promotion; an outsider who would not have tenure is hired instead.

Essex County superintendents first voiced concern over this situation and proposed the probationary period as a means of encouraging in-system promotions. The N.J. School Superintendents Assn., the N.J. Secondary School Principals Assn., the NJEA Department of Elementary Principals, all agreed. The promoted teacher would maintain his tenure and seniority for his previous position while on probation.

NJEA will try to write the amendment to accompany a bill similar to this year's A-500, which sought to extend tenure to assistant principals and "all other supervisory, directorial and administrative employees . . . who are required to hold an appropriate certificate issued by the Board of Examiners."

The NJEA Welfare Committee recommended the tenure amendment

at the Nov. 9 meeting of the Delegate Assembly. The D. A. will give final approval to the draft of the proposed amendment at its next meeting before it is introduced in the Legislature.

## Pension Bills To Try Again

**Veteran definition, refund acts to be re-introduced by NJEA.**

■ NJEA will re-introduce two veteran pension bills that failed to become law this year.

Two other bills, approved by the Legislature, will be re-introduced if the Governor vetoes them.

Already planned for re-submission are A-163, which would return to teacher-veterans all pension contributions school boards made for them while they were in military service, and A-169, which would classify as "veteran" any teacher who had completed 90 days of military duty by Dec. 31, 1946. The present terminal date is Sept. 2, 1945.

A-163, designed to give teacher-veterans the same refund treatment accorded other public employees,

passed in the Assembly but is still in committee in the Senate. The Governor vetoed A-169; he vetoed a bill similar to A-163 in a previous session.

Awaiting the Governor's signature or veto is A-559, which would give cost-of-living increases to retired teachers and other public employees, and S-20, which would restore the option to avoid the social security offset for certain groups of older teachers.

## College Salary Raise Asked

**Budget hearings consider goals NJEA set for faculties in '59.**

■ Faculty members at the six State Colleges are seeking salary increases next year of \$303 to \$518.

New salary ranges have been asked to place State College teachers on the scale proposed three years ago as the goal of the College Salary Committee, which works with NJEA to represent the college faculties.

The higher ranges were requested at budget hearings conducted during November at the six State Col-

leges. The new scale for professors would be \$10,369-\$13,477; associate professors, \$8,530-\$11,092; assistant professors, \$7,018-\$9,127; and assistant professors-II, \$6,107-\$7,881. Increments for professors would be up to \$518, associate professors \$427, assistant professors \$351, assistant professors II \$

The State Board of Education approved the request for higher salaries. Dr. James M. Lynch, Jr., dean of students at Glassboro State College and at that time president of NJEA, and Dr. Luther Shaw, professor of education of Glassboro State and president of the Assn. of New Jersey State College Faculties, spoke in favor of the increases at the budget hearings.

Dr. Lynch reiterated NJEA's position that preparation of able teachers is vital to good public schools and therefore, State College faculties should be of top quality and receive top salaries. Dr. Shaw said State College faculties must be paid above average salaries to maintain a favorable competitive position.

Gov.-elect Richard Hughes con-



**Above:**  
QUICK REPORTS on membership go out to chairmen in each county. Walter O'Brien, who directs the NJEA-NEA membership operation, checks the file against the first of 10 regular reports. Cumulative records are kept for each school district. NJEA's goal this year is 48,500 members.

**Right:**  
SCHOOLS WITH 100 PERCENT enrollment receive special certificates from NJEA. Secretary Natalie Horner answers the first series of requests. Over 1,100 of the state's 2,500 buildings applied for them by mid-November.

## ... More than 1,000 Schools Are 100%

First reports on 1961-62 memberships show 183 districts already enrolling more members than last year.

■ NJEA had enrolled 22,213 teachers by the time the year's first membership report went out on Nov. 16.

Some 1,105 of the state's 2,500 schools had requested certificates for 100 percent membership.

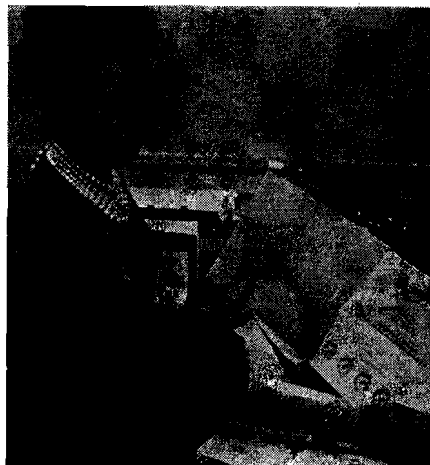
Of some 303 districts making rather substantial returns, 183 already had more members than last year.

Reports Walter O'Brien, NJEA staff member in charge of membership: "Some districts are reporting 100 percent where they never have before. The picture is very encouraging."

How does the 22,213 total compare with first reports in other years? An exact comparison is impossible because the report has never been issued on a fixed date. In 1958 when it was compiled later in the month, it showed over 25,000 members. The 1959 report showed 22,596, the 1960, 20,638.

Said Mr. O'Brien: "We should have no difficulty equalling last year's record, but to reach our goal of 48,500 members will require hard work."

NEA membership stood at 9,000 on Nov. 16, "typical for this time



LEGISLATIVE HISTORY OF R.S. 18A:28-9 thru 13  
(Tenure - School Supervisory Personnel)

1962 Amendment

COPY NO. 1

A similar bill was introduced in 1961:

A500 of 1961

Introduced March 27, 1961 by Keegan, Stamler & Kordja  
(copy with statement enclosed)

May 31 - Lost in Assembly.

May 31 - Laid over.

November 20 - Recommitted.

L. 1962, Chapter 231 3 - A343

Introduced by Assemblyman Keegan, Kordja, Stamler and Barbour  
on February 5, 1962.

Bill had statement. (copy of original bill with statement enclosed).

Amended in Senate (copy of Senate amendment enclosed).

The position of the NJEA on this legislation is given in the NJEA Review,  
December 1961, p. 225-226, and a release issued February 4, 1963 (copies  
enclosed).

We found no hearings, reports or newspaper articles on these bills.

ASSEMBLY, No. 500

STATE OF NEW JERSEY

INTRODUCED MARCH 27, 1961

By Assemblymen KEEGAN, STAMLER and Assemblywoman KORDJA

Referred to Committee on Education

AN ACT concerning education, relating to tenure of school employees and amending sections 18:13-16, 18:13-17, 18:13-19 and 18:13-20 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Section 18:13-16 of the Revised Statutes is amended to read as  
2 follows:

3 18:13-16. The services of all teachers, principals, *assistant principals,*  
4 *superintendents, [and] assistant superintendents and all other supervisory,*  
5 *directorial, and administrative employees* of the public schools *who are re-*  
6 *quired to hold an appropriate certificate issued by the Board of Examiners,*  
7 *excepting those who are not the holders of proper teachers' certificates in*  
8 *full force and effect, shall be during good behavior and efficiency, (a) after*  
9 *the expiration of a period of employment of 3 consecutive calendar years in*  
10 *that district unless a shorter period is fixed by the employing board, or*  
11 *(b) after employment for 3 consecutive academic years together with em-*  
12 *ployment at the beginning of the next succeeding academic year, or (c)*  
13 *after employment, within a period of any 4 consecutive academic years, for*  
14 *the equivalent of more than 3 academic years, some part of which must be*

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

15 served in an academic year after July 1, 1940; provided, that the time any  
 16 teacher, principal [or supervising principal], *assistant principal, superin-*  
 17 *tendent, assistant superintendent or any other supervisory, directoral and*  
 18 *administrative employee* had taught in the district in which he was em-  
 19 ployed at the end of the academic year immediately preceding *July 1, 1961*  
 20 [July 1, 1940], shall be counted in determining such period or periods of  
 21 employment in that district.

22 An academic year, for the purpose of this section, means the period  
 23 between the time school opens in the district after the general summer vaca-  
 24 tion until the next succeeding summer vacation.

1 2. Section 18:13-17 of the Revised Statutes is amended to read as  
 2 follows:

3 18:13-17. No teacher, principal, *assistant principal, superintendent, [or]*  
 4 *assistant superintendent or any other supervisory, directoral or administra-*  
 5 *tive employee* under the tenure referred to in section 18:13-16 of this Title  
 6 shall be dismissed or subjected to a reduction of salary in the school dis-  
 7 trict except for inefficiency, incapacity, conduct unbecoming a teacher or  
 8 other just cause and after a written charge of the cause or causes has been  
 9 preferred against him, signed by the person or persons making the same,  
 10 and filed with the secretary of the board of education having control of the  
 11 school in which the service is being rendered, and after the charge has been  
 12 examined into and found true in fact after a hearing conducted in accordance  
 13 with the Tenure Employees Hearing Act. Charges may be filed by any  
 14 person, whether a member of the school board or not.

1 3. Section 18:13-19 of the Revised Statutes is amended to read as  
 2 follows:

3 18:13-19. Nothing contained in sections 18:13-16 [to 18:13-18] *and*  
 4 *18:13-17* of this Title or any other provisions of law relating to tenure of  
 5 service shall be held to limit the right of any board of education to reduce  
 6 the number of superintendents of schools, assistant superintendents, prin-  
 7 cipals, *assistant principals, [or] teachers, or other supervisory, directoral*

8 *or administrative employees* employed in the school district whenever, in the  
9 judgment of the board of education it is advisable to abolish any office,  
10 position or employment for reasons of a reduction in the number of pupils,  
11 economy, a change in the administrative or supervisory organization of the  
12 district, or other good cause. Dismissals resulting from such reduction shall  
13 not be by reason of residence, age, sex, marriage, race, religion or political  
14 affiliation. Any dismissals occurring because of the reduction of the number  
15 of persons under the terms of this section shall be made on the basis of  
16 seniority according to standards to be established by the Commissioner of  
17 Education with the approval of the State Board of Education. In estab-  
18 lishing such standards, the commissioner shall classify, in so far as practic-  
19 able, the fields or categories of administrative, supervisory, teaching or other  
20 educational services which are being performed in the school districts of  
21 this State and may, at his discretion, determine seniority upon the basis of  
22 years of service and experience within such fields or categories of service  
23 as well as in the school system as a whole. Whenever it is necessary to reduce  
24 the number of persons covered by this section, the board of education shall  
25 determine the seniority of such persons according to the standards estab-  
26 lished by the Commissioner of Education with the approval of the State  
27 Board of Education and shall notify each person as to his seniority status.  
28 A board of education may request the Commissioner of Education for an  
29 advisory opinion with respect to the applicability of the standards to par-  
30 ticular situations and all such requests shall be referred to a panel to consist  
31 of the county superintendent of schools of the county in which the school  
32 district is situate, the secretary of the State Board of Examiners, and 1  
33 assistant commissioner of education to be designated by the Commissioner  
34 of Education. No determination of any panel shall be binding upon the  
35 board of education or any other party in interest, nor upon the Commissioner  
36 of Education and the State Board of Education in the event of an appeal  
37 pursuant to sections 18:3-14 and 18:3-15 of the Revised Statutes. All per-  
38 sons dismissed shall be placed on a preferred eligible list to be prepared by

39 the board of education of the school district, and shall be re-employed by  
40 the board of education of the school district in order of seniority as deter-  
41 mined by the said board of education. In computing length of service within  
42 the district, the time of service by such superintendents of schools, whether  
43 served as superintendents of schools, city superintendents or supervising  
44 principals, assistant superintendents, principals, *assistant principals*, [or]  
45 teachers, *or other supervisory, directoral or administrative employees* in  
46 or with the military or naval forces of the United States of America or of  
47 this State subsequent to September 1, 1940, shall be credited in determin-  
48 ing seniority under this act as though such superintendents, assistant superin-  
49 tendents, principals, *assistant principals*, [or] teachers, *or other supervi-*  
50 *sory, directoral or administrative employees* had been regularly employed  
51 within the district during the time of such military service. Should any  
52 superintendent of schools, assistant superintendent, principal, *assistant prin-*  
53 *cipal*, [or] teacher, *or any other supervisory, directoral or administrative*  
54 *employee* under tenure be dismissed as a result of such reduction, such per-  
55 son shall be and remain upon a preferred eligible list in the order of senior-  
56 ity for re-employment whenever vacancies occur and shall be re-employed by  
57 the body causing dismissal in such order when and if a vacancy in a posi-  
58 tion for which such superintendent, assistant superintendent, principal, *as-*  
59 *sistant principal*, [or] teacher, *or any other supervisory, directoral or ad-*  
60 *ministrative employee* shall be qualified. Such re-employment shall give full  
61 recognition to previous years of service.

62 The services of any superintendent of schools, assistant superintendent,  
63 principal, *assistant principal*, [or] teacher, *or any other supervisory, direc-*  
64 *toral or administrative employee* may be terminated, without charge or trial,  
65 who is not the holder of an appropriate certificate in full force and effect  
66 issued by the State Board of Examiners under rules and regulations pre-  
67 scribed by the State Board of Education.

1 4. Section 18:13-20 of the Revised Statutes is amended to read as  
2 follows:

3 18:13-20. Any teacher, principal, *assistant principal*, [or] superintend-  
4 ent of schools, *assistant superintendent*, or any other supervisory, directoral  
5 or administrative employee, under tenure of service, desiring to relinquish  
6 his position, shall give the employing board of education 60 days' written  
7 notice of his intention, unless the local board of education shall approve of  
8 a release on shorter notice. Any teacher failing to give such notice shall be  
9 deemed guilty of unprofessional conduct, and the commissioner may suspend  
10 his certificate for a period not exceeding 1 year.

1 5. This act shall take effect July 1, 1961.

---

#### STATEMENT

This bill would amend the tenure of office act that applies to most professional educators by extending its provisions to include assistant principals (or vice-principals) and all other supervisory, directoral and administrative employees who are required to hold a certificate issued by the Board of Examiners.

Under current laws, tenure privileges are clearly defined for teachers, nurses, principals, superintendents, assistant superintendents, janitors, secretaries and clerks, attendance officers and board secretaries. As the demands of modern education have become more complex, positions such as vice-principal or assistant principal, guidance director, co-ordinator, director and supervisor have become more numerous. These persons should have the same tenure protection granted to teachers and the majority of school administrators.

ASSEMBLY, No. 343

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1962

By Assemblyman KEEGAN, Assemblywoman KORDJA  
and Assemblyman STAMLER

Referred to Committee on Education

AN ACT concerning education, relating to tenure of school employees and amending sections 18:13-16, 18:13-17, 18:13-19 and 18:13-20 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Section 18:13-16 of the Revised Statutes is amended to read as follows:  
2 18:13-16. The services of all teachers, principals, *assistant principals,*  
3 *vice-principals,* superintendents, **[and]** assistant superintendents, *and such*  
4 *other employees* of the public schools *as are in positions which require them*  
5 *to hold an appropriate certificate issued by the Board of Examiners,* except-  
6 ing those who are not the holders of proper **[teachers']** certificates in full  
7 force and effect, shall be during good behavior and efficiency, (a) after the  
8 expiration of a period of employment of 3 consecutive calendar years in that  
9 district unless a shorter period is fixed by the employing board, or (b) after  
10 employment for 3 consecutive academic years together with employment at  
11 the beginning of the next succeeding academic year, or (c) after employ-  
12 ment, within a period of any 4 consecutive academic years, for the equiva-  
13 lent of more than 3 academic years, some part of which must be served in

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

14 an academic year after July 1, 1940; provided, that the time any [teacher,  
15 principal or supervising principal] *such employee* had taught in the district  
16 in which he was employed at the end of the academic year immediately pre-  
17 ceding *July 1, 1962* [July 1, 1940], shall be counted in determining such  
18 period or periods of employment in that district.

19 An academic year, for the purpose of this section, means the period  
20 between the time school opens in the district after the general summer vaca-  
21 tion until the next succeeding summer vacation.

22 *Other provisions of this section notwithstanding, any employee under*  
23 *tenure or eligible to obtain tenure pursuant thereto, who is transferred or*  
24 *promoted with his consent to another position covered by this section on or*  
25 *after July 1, 1962, shall not obtain tenure in the new position until (a) after*  
26 *the expiration of a period of employment of 2 consecutive calendar years in*  
27 *the new position unless a shorter period is fixed by the board, or (b) after*  
28 *employment for 2 academic years in the new position together with employ-*  
29 *ment in the new position at the beginning of the next succeeding academic*  
30 *year, or (c) after employment in the new position within a period of any 3*  
31 *consecutive academic years, for the equivalent of more than 2 academic years;*  
32 *provided that the period of employment in such new position shall be included*  
33 *in determining the tenure and seniority rights in the former position held*  
34 *by such employee, and in the event the employment in such new position is*  
35 *terminated before tenure is obtained therein, if he then has tenure in the*  
36 *district, such employee shall be returned to his former position at the salary*  
37 *which he would have received had the transfer or promotion not occurred*  
38 *together with any increase to which he would have been entitled during the*  
39 *period of such transfer or promotion.*

1 2. Section 18:13-17 of the Revised Statutes is amended to read as follows:

2 18:13-17. No teacher, principal, superintendent, [or] assistant super-  
3 intendent or any other employee under the tenure referred to in section  
4 18:13-16 of this Title shall be dismissed or subjected to a reduction of salary

5 in the school district except for inefficiency, incapacity, conduct unbecom-  
6 ing a teacher or other just cause and after a written charge of the cause or  
7 causes has been preferred against him, signed by the person or persons  
8 making the same, and filed with the secretary of the board of education  
9 having control of the school in which the service is being rendered, and  
10 after the charge has been examined into and found true in fact after a hearing  
11 conducted in accordance with the Tenure Employees Hearing Act. Charges  
12 may be filed by any person, whether a member of the school board or not.

1 3. Section 18:13-19 of the Revised Statutes is amended to read as follows:

2 18:13-19. Nothing contained in sections 18:13-16 [to 18:13-18] and  
3 18:13-17 of this Title or any other provisions of law relating to tenure of  
4 service shall be held to limit the right of any board of education to reduce  
5 the number of superintendents of schools, assistant superintendents, prin-  
6 cipals, [or] teachers, or other employees holding tenure pursuant to section  
7 18:13-16 employed in the school district whenever, in the judgment of the  
8 board of education it is advisable to abolish any office, position or employ-  
9 ment for reasons of a reduction in the number of pupils, economy, a change  
10 in the administrative or supervisory organization of the district, or other  
11 good cause. Dismissals resulting from such reduction shall not be by reason  
12 of residence, age, sex, marriage, race, religion or political affiliation. Any  
13 dismissals occurring because of the reduction of the number of persons  
14 under the terms of this section shall be made on the basis of seniority  
15 according to standards to be established by the Commissioner of Education  
16 with the approval of the State Board of Education. In establishing such  
17 standards, the commissioner shall classify, in so far as practicable, the fields  
18 or categories of administrative, supervisory, teaching or other educational  
19 services which are being performed in the school districts of this State and  
20 may, at his discretion, determine seniority upon the basis of years of service  
21 and experience within such fields or categories of service as well as in the  
22 school system as a whole. Whenever it is necessary to reduce the number

23 of persons covered by this section, the board of education shall determine  
24 the seniority of such persons according to the standards established by the  
25 Commissioner of Education with the approval of the State Board of Educa-  
26 tion and shall notify each person as to his seniority status. A board of  
27 education may request the Commissioner of Education for an advisory  
28 opinion with respect to the applicability of the standards to particular situ-  
29 ations and all such requests shall be referred to a panel to consist of the  
30 county superintendent of schools of the county in which the school district  
31 is situate, the secretary of the State Board of Examiners, and 1 assistant  
32 commissioner of education to be designated by the Commissioner of Educa-  
33 tion. No determination of any panel shall be binding upon the board of  
34 education or any other party in interest, nor upon the Commissioner of Edu-  
35 cation and the State Board of Education in the event of an appeal pursuant  
36 to sections 18:3-14 and 18:3-15 of the Revised Statutes. All persons dis-  
37 missed shall be placed on a preferred eligible list to be prepared by the  
38 board of education of the school district, and shall be re-employed by the  
39 board of education of the school district in order of seniority as determined  
40 by the said board of education. In computing length of service within the  
41 district, the time of service by such superintendents of schools, whether served  
42 as superintendents of schools, city superintendents or supervising principals,  
43 assistant superintendents, principals, [or] teachers, *or other employees*  
44 *holding tenure pursuant to section 18:13-16* in or with the military or naval  
45 forces of the United States of America or of this State subsequent to Sep-  
46 tember 1, 1940, shall be credited in determining seniority under this act as  
47 though such superintendents, assistant superintendents, principals, [or]  
48 teachers, *or other employees holding tenure pursuant to section 18:13-16*  
49 had been regularly employed within the district during the time of such  
50 military service. Should any superintendent of schools, assistant superintend-  
51 ent, principal, [or] teacher, *or other employee holding tenure pursuant to*  
52 *section 18:13-16* under tenure be dismissed as a result of such reduction,  
53 such person shall be and remain upon a preferred eligible list in the order

54 of seniority for re-employment whenever vacancies occur and shall be re-  
 55 employed by the body causing dismissal in such order when and if a vacancy  
 56 in a position for which such superintendent, assistant superintendent, prin-  
 57 cipal, [or] teacher, *or other employee holding tenure pursuant to section*  
 58 *18:13-16* shall be qualified. Such re-employment shall give full recognition  
 59 to previous years of service.

60 The services of any superintendent of schools, assistant superintendent,  
 61 principal, [or] teacher, *or other employee holding tenure pursuant to section*  
 62 *18:13-16* may be terminated, without charge or trial, who is not the holder  
 63 of an appropriate certificate in full force and effect issued by the State  
 64 Board of Examiners under rules and regulations prescribed by the State  
 65 Board of Education.

1 4. Section 18:13-20 of the Revised Statutes is amended to read as follows:

2 18:13-20. Any teacher, principal, [or] superintendent of schools, *assist-*  
 3 *ant superintendent, or other employee*, under tenure of service, desiring to  
 4 relinquish his position, shall give the employing board of education 60 days'  
 5 written notice of his intention, unless the local board of education shall ap-  
 6 prove of a release on shorter notice. Any teacher failing to give such notice  
 7 shall be deemed guilty of unprofessional conduct, and the commissioner may  
 8 suspend his certificate for a period not exceeding 1 year.

1 5. This act shall take effect July 1, 1962.

---

#### STATEMENT

This bill would amend the tenure of office act that applies to most profes-  
 sional educators by (1) requiring a 2-year probationary period when employees  
 in a district are promoted or transferred from one tenure position to another  
 position in which he could acquire tenure, and (2) extending coverage of the  
 tenure act to include assistant principals, vice-principals and other professional  
 employees in special teaching, administrative and supervisory positions by re-  
 lating tenure in positions to qualification and performance under appropriate  
 certification standards as determined by the Board of Examiners and the State  
 Board of Education.

*Probationary Period*

Under the present law, a teacher acquiring tenure in a district and later promoted to the position of principal or a principal promoted to the position of assistant superintendent or superintendent has tenure in the new position immediately. Boards of education frequently avoid promoting to administrative positions fully qualified candidates from within the district because tenure is immediate. By selecting a candidate from outside the district, the board has a 3-year probationary period to use before tenure is granted. Such practices are not conducive to high staff morale. Failure to adequately provide for promotions within an organization is also a violation of basic principles in personnel management.

This bill makes promotions within a district subject to a 2-year probationary period before tenure in the higher position would be attained. The employee would retain all tenure and seniority rights in the old position until tenure is acquired in the new one. Should his performance in the new post not prove satisfactory, he would return to the position in which his original tenure had been acquired.

This change should improve the over-all quality of service in our schools and also eliminate the discrimination which now works against candidates for promotion from within a district. It would also give a board of education an opportunity to observe for 2 years, a local employee in a new position before permitting him to acquire tenure.

*Extension of Tenure*

The current tenure act for professional employees of boards of education now grants tenure to teachers, principals, assistant superintendents and superintendents. Tenure is acquired after a probationary period of 3 consecutive calendar years, or 3 consecutive academic years together with employment at the beginning of the next succeeding academic year, or after employment within a period of any 4 consecutive academic years for the equivalent of more than 3 academic years.

In addition to most professional educators, nurses, janitors, secretaries, clerks, attendance officers and school board secretaries may acquire tenure. The professional employees covered by this bill are generally in positions that have been created in recent years to meet the demands of modern education. These positions are not covered by the present law simply because they were almost nonexistent at the time of the passage of the earlier tenure acts. These professional educators should have the same tenure protection granted to teachers and the majority of school administrators.

This bill would amend the tenure of office act that applies to most professional educators by extending its provisions to include assistant principals and vice-principals and such other employees as are in positions which require them to hold an appropriate certificate issued by the Board of Examiners. In addition to assistant principals and vice-principals, the following positions would be presently covered by the bill: general supervisors, secondary, elementary and vocational supervisors, directors of student personnel services, counselors, teacher-counselors, psychologists and subject supervisors who supervise more than 50% of the time.

SENATE COMMITTEE AMENDMENTS TO

**ASSEMBLY, No. 343**

---

**STATE OF NEW JERSEY**

---

ADOPTED MAY 7, 1962

Amend page 2, section 1, line 18, insert after "in that district" the following:  
", except that no employee shall obtain tenure in a position other than as a  
teacher, principal, assistant superintendent or superintendent prior to July 1,  
1964."

Amend page 5, section 5, line 1, delete "July 1, 1962," insert "immediately."

CHAPTER 231 LAWS OF N. J. 1962

APPROVED 2-1-63

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 343

# STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1962

By Assemblyman KEEGAN, Assemblywoman KORDJA

and Assemblyman STAMLER

Referred to Committee on Education

AN ACT concerning education, relating to tenure of school employees and amending sections 18:13-16, 18:13-17, 18:13-19 and 18:13-20 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Section 18:13-16 of the Revised Statutes is amended to read as follows:  
2 18:13-16. The services of all teachers, principals, *assistant principals,*  
3 *vice-principals,* superintendents, [and] assistant superintendents, *and such*  
4 *other employees* of the public schools *as are in positions which require them*  
5 *to hold an appropriate certificate issued by the Board of Examiners,* except-  
6 ing those who are not the holders of proper [teachers'] certificates in full  
7 force and effect, shall be during good behavior and efficiency, (a) after the  
8 expiration of a period of employment of 3 consecutive calendar years in that  
9 district unless a shorter period is fixed by the employing board, or (b) after  
10 employment for 3 consecutive academic years together with employment at  
11 the beginning of the next succeeding academic year, or (c) after employ-  
12 ment, within a period of any 4 consecutive academic years, for the equiva-  
13 lent of more than 3 academic years, some part of which must be served in  
14 an academic year after July 1, 1940; provided, that the time any [teacher,

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

15 principal or supervising principal] *such employee* had taught in the district  
16 in which he was employed at the end of the academic year immediately pre-  
17 ceding *July 1, 1962* [July 1, 1940], shall be counted in determining such  
18 period or periods of employment in that district, *except that no employee*  
18A *shall obtain tenure in a position other than as a teacher, principal, assistant*  
18B *superintendent or superintendent prior to July 1, 1964.*

19 An academic year, for the purpose of this section, means the period  
20 between the time school opens in the district after the general summer vaca-  
21 tion until the next succeeding summer vacation.

22 *Other provisions of this section notwithstanding, any employee under*  
23 *tenure or eligible to obtain tenure pursuant thereto, who is transferred or*  
24 *promoted with his consent to another position covered by this section on or*  
25 *after July 1, 1962, shall not obtain tenure in the new position until (a) after*  
26 *the expiration of a period of employment of 2 consecutive calendar years in*  
27 *the new position unless a shorter period is fixed by the board, or (b) after*  
28 *employment for 2 academic years in the new position together with employ-*  
29 *ment in the new position at the beginning of the next succeeding academic*  
30 *year, or (c) after employment in the new position within a period of any 3*  
31 *consecutive academic years, for the equivalent of more than 2 academic years;*  
32 *provided that the period of employment in such new position shall be included*  
33 *in determining the tenure and seniority rights in the former position held*  
34 *by such employee, and in the event the employment in such new position is*  
35 *terminated before tenure is obtained therein, if he then has tenure in the*  
36 *district, such employee shall be returned to his former position at the salary*  
37 *which he would have received had the transfer or promotion not occurred*  
38 *together with any increase to which he would have been entitled during the*  
39 *period of such transfer or promotion.*

1 2. Section 18:13-17 of the Revised Statutes is amended to read as follows:

2 18:13-17. No teacher, principal, superintendent, [or] assistant super-  
3 intendent or any other employee under the tenure referred to in section  
4 18:13-16 of this Title shall be dismissed or subjected to a reduction of salary

5 in the school district except for inefficiency, incapacity, conduct unbecom-  
6 ing a teacher or other just cause and after a written charge of the cause or  
7 causes has been preferred against him, signed by the person or persons  
8 making the same, and filed with the secretary of the board of education  
9 having control of the school in which the service is being rendered, and  
10 after the charge has been examined into and found true in fact after a hearing  
11 conducted in accordance with the Tenure Employees Hearing Act. Charges  
12 may be filed by any person, whether a member of the school board or not.

1 3. Section 18:13-19 of the Revised Statutes is amended to read as follows:

2 18:13-19. Nothing contained in sections 18:13-16 [to 18:13-18] *and*  
3 *18:13-17* of this Title or any other provisions of law relating to tenure of  
4 service shall be held to limit the right of any board of education to reduce  
5 the number of superintendents of schools, assistant superintendents, prin-  
6 cipals, [or] teachers, *or other employees holding tenure pursuant to section*  
7 *18:13-16* employed in the school district whenever, in the judgment of the  
8 board of education it is advisable to abolish any office, position or employ-  
9 ment for reasons of a reduction in the number of pupils, economy, a change  
10 in the administrative or supervisory organization of the district, or other  
11 good cause. Dismissals resulting from such reduction shall not be by reason  
12 of residence, age, sex, marriage, race, religion or political affiliation. Any  
13 dismissals occurring because of the reduction of the number of persons  
14 under the terms of this section shall be made on the basis of seniority  
15 according to standards to be established by the Commissioner of Education  
16 with the approval of the State Board of Education. In establishing such  
17 standards, the commissioner shall classify, in so far as practicable, the fields  
18 or categories of administrative, supervisory, teaching or other educational  
19 services which are being performed in the school districts of this State and  
20 may, at his discretion, determine seniority upon the basis of years of service  
21 and experience within such fields or categories of service as well as in the  
22 school system as a whole. Whenever it is necessary to reduce the number

23 of persons covered by this section, the board of education shall determine  
24 the seniority of such persons according to the standards established by the  
25 Commissioner of Education with the approval of the State Board of Educa-  
26 tion and shall notify each person as to his seniority status. A board of  
27 education may request the Commissioner of Education for an advisory  
28 opinion with respect to the applicability of the standards to particular situ-  
29 ations and all such requests shall be referred to a panel to consist of the  
30 county superintendent of schools of the county in which the school district  
31 is situate, the secretary of the State Board of Examiners, and 1 assistant  
32 commissioner of education to be designated by the Commissioner of Educa-  
33 tion. No determination of any panel shall be binding upon the board of  
34 education or any other party in interest, nor upon the Commissioner of Edu-  
35 cation and the State Board of Education in the event of an appeal pursuant  
36 to sections 18:3-14 and 18:3-15 of the Revised Statutes. All persons dis-  
37 missed shall be placed on a preferred eligible list to be prepared by the  
38 board of education of the school district, and shall be re-employed by the  
39 board of education of the school district in order of seniority as determined  
40 by the said board of education. In computing length of service within the  
41 district, the time of service by such superintendents of schools, whether served  
42 as superintendents of schools, city superintendents or supervising principals,  
43 assistant superintendents, principals, [or] teachers, *or other employees*  
44 *holding tenure pursuant to section 18:13-16* in or with the military or naval  
45 forces of the United States of America or of this State subsequent to Sep-  
46 tember 1, 1940, shall be credited in determining seniority under this act as  
47 though such superintendents, assistant superintendents, principals, [or]  
48 teachers, *or other employees holding tenure pursuant to section 18:13-16*  
49 had been regularly employed within the district during the time of such  
50 military service. Should any superintendent of schools, assistant superintend-  
51 ent, principal, [or] teacher, *or other employee holding tenure pursuant to*  
52 *section 18:13-16* under tenure be dismissed as a result of such reduction,  
53 such person shall be and remain upon a preferred eligible list in the order

54 of seniority for re-employment whenever vacancies occur and shall be re-  
55 employed by the body causing dismissal in such order when and if a vacancy  
56 in a position for which such superintendent, assistant superintendent, prin-  
57 cipal, [or] teacher, *or other employee holding tenure pursuant to section*  
58 *18:13-16* shall be qualified. Such re-employment shall give full recognition  
59 to previous years of service.

60 The services of any superintendent of schools, assistant superintendent,  
61 principal, [or] teacher, *or other employee holding tenure pursuant to section*  
62 *18:13-16* may be terminated, without charge or trial, who is not the holder  
63 of an appropriate certificate in full force and effect issued by the State  
64 Board of Examiners under rules and regulations prescribed by the State  
65 Board of Education.

1 4. Section 18:13-20 of the Revised Statutes is amended to read as follows:

2 18:13-20. Any teacher, principal, [or] superintendent of schools, *assist-*  
3 *ant superintendent, or other employee*, under tenure of service, desiring to  
4 relinquish his position, shall give the employing board of education 60 days'  
5 written notice of his intention, unless the local board of education shall ap-  
6 prove of a release on shorter notice. Any teacher failing to give such notice  
7 shall be deemed guilty of unprofessional conduct, and the commissioner may  
8 suspend his certificate for a period not exceeding 1 year.

1 5. This act shall take effect [July 1, 1962] *immediately*.