

18A:28-4

LEGISLATIVE HISTORY CHECKLIST
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(Teachers--tenure)

NJSA: 18A:28-4

LAWS OF: 1935 **CHAPTER:** 27

BILL NO: S31

SPONSOR(S): Barbour

DATE INTRODUCED: January 14, 1935

COMMITTEE: **ASSEMBLY:** Education
SENATE: Education

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** February 12, 1935
SENATE: January 28, 1935

DATE OF APPROVAL: February 13, 1935

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1935

By Mr. BARBOUR

Referred to Committee on Education

AN ACT to amend an act entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof,' approved October nineteenth, one thousand nine hundred and three," approved April twenty-first, nineteen hundred and nine.

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

1 1. Amend section one of the act to which this act is an amendment so
2 that it shall read as follows:

3 1. The services of all teachers, principals, supervising principals of the
4 public schools in any school district of this State shall be during good be-
5 havior and efficiency, after the expiration of a period of employment of three
6 consecutive calendar years in that district unless a shorter period is fixed
7 by the employing board; or [upon beginning service for the fourth consec-
8 tive] after employment for three consecutive academic years together with
9 employment at the beginning of the next succeeding academic year [.]; [or
10 upon continuous employment during all the time schools are open in the dis-
11 trict for a period of three calendar years from the date of original employ-
12 ment;] *provided*, that the time any teacher, principal, supervising principal
13 has taught in the district in which he or she is employed at the time this act
14 shall go into effect shall be counted in determining such period of employ-
15 ment. An academic year shall be interpreted to mean the period between

16 the time school opens in the district after the general summer vacation until
 17 the next succeeding summer vacation. No principal or teacher shall be dis-
 18 missed or subjected to reduction of salary in said school district except for
 19 inefficiency, incapacity, conduct unbecoming a teacher or other just cause, and
 20 after a written charge of the cause or causes shall have been preferred
 21 against him or her, signed by the person or persons making the same, and
 22 filed with the secretary or clerk of the board of education having charge
 23 of the school in which the service is being rendered, and after the charge
 24 shall have been examined into and found true in fact by said board of edu-
 25 cation, upon reasonable notice to the person charged, who may be repre-
 26 sented by counsel at the hearing. Charges may be filed by any person whether
 27 a member of said school board or not.

1 2. If any one or more sections, subsections, sentences or parts of this
 2 act shall for any reason be questioned in any court and shall be adjudged
 3 unconstitutional or invalid, such judgment shall not affect, impair or invali-
 4 date the remaining provisions thereof, but shall be confined in its operation to
 5 the specific provision so held unconstitutional or invalid.

1 3. This act shall take effect immediately.

STATEMENT

On June second, one thousand nine hundred and thirty-four, the State Board of Education rendered a decision on the Teachers' Tenure Law that affected the general rulings during the twenty-five years the law has been in effect. In order to sustain these rulings, the Legislature on June fourth passed an amended bill, approved by the Governor on June fifth, the purpose of which was to assure the previously accepted rulings that a teacher was protected in her employment after three consecutive calendar years of service or upon beginning the fourth consecutive academic year of service. The above bracketed part of the statute, which was included to clarify a part of the interpretation, permits of a construction that in some instances would shorten the probationary period. The purpose of this act is, therefore, to clarify the provisions that teachers employed for three consecutive calendar years or beginning work on the fourth consecutive academic year have tenure protection.