

18A:6-11 ET AL.

LEGISLATIVE HISTORY CHECKLIST

NJSA 18A:6-11 et al.

Laws of 1975 Chapter 304

Bill No. S 671

Sponsor(s) Bedell

Date Introduced January 28, 1974

Committee: Assembly -----

Senate Education

Amended during passage Yes

Amendments during passage denoted by asterisks

Date of passage: Assembly January 5, 1976

Senate December 15, 1975

Date of approval February 7, 1976

Following statements are attached if available:

Sponsor statement No

Committee Statement: Assembly No

Senate Yes

Fiscal Note No

Veto message No

Message on signing Yes

Following were printed:

Reports No

Hearings No

New Jersey Education Association - Position statement on S. 671 (see file copy).

10/4/76

MAR 1977

SENATE EDUCATION COMMITTEE

STATEMENT TO
SENATE, No. 671

STATE OF NEW JERSEY

DATED: DECEMBER 8, 1975

PROVISIONS OF THE BILL

This bill amends N. J. S. 18A:6-11, part of the Tenured Employees Hearing Law relating to the procedures for dealing with charges against tenured employees.

Under the current law, if written charges are made against tenured employees, they shall be filed with the board secretary, and the board shall determine by majority vote whether or not such charge and the evidence supporting it would be sufficient, if true, to warrant dismissal or a reduction in salary—in which case the written charge and its determination are forwarded to the commissioner. (18A:6-11.) If the commissioner agrees that the charges would be sufficient, if true, to warrant dismissal, he shall conduct a hearing within 60 days. (18A:6-16.)

This bill attempts to improve the procedures for filing charges against tenured employees and determining whether such charges should be forwarded to the commissioner for a hearing. It requires the board to give the accused a copy of the written charge, a statement of the evidence submitted and an opportunity to respond. On the basis of this information the board must decide whether they will forward the charge to the commissioner.

BACKGROUND

Discussion of the original bill was characterized by general agreement among the committee and the various educational groups that the basic tenets of the hearing process could be improved, and disagreement over specific aspects of the proposal. The New Jersey Education Association was a strong advocate of a process which would require evidence in support of charges, notification of the accused from the outset and an opportunity for the accused to respond during the original hearing. The New Jersey School Boards Association adamantly opposed inclusion of nontenured employees and restrictions on admission of new evidence at the hearing by the commissioner.

After preliminary discussion of the bill, the New Jersey Education Association, New Jersey School Boards Association and the Department of Education were asked to work jointly on a new version which was acceptable to all concerned parties. These discussions resulted in a revised draft which was considered by the Senate Education Committee. The final version of Senate Bill No. 671 was developed by the committee.

The Senate Education Committee believes that Senate Bill No. 671, as amended by the committee, represents a substantial improvement over past procedures for dealing with charges against tenured employees. It establishes a probable cause procedure to screen cases and insure fair treatment of all concerned parties. The new proposal clearly specifies and limits the role of the board of education in the hearing process. It requires the board to collect evidence, notify the employee, determine probable cause and determine the severity of the charge. Consequently, the board has clear instructions concerning the procedure that it must undertake and the rights of the accused employee are protected.

FISCAL IMPLICATIONS

There is no reason to believe that there will be a fiscal implication attributable to this change.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 671

STATE OF NEW JERSEY

ADOPTED DECEMBER 15, 1975

Amend page 1, title, line 1, after "education", omit "relating to charges against employees".

Amend page 1, title, line 2, omit "of a board of education and", insert ",", after "18A:6-11", insert "and repealing N. J. S. 18A:6-12 and N. J. S. 18A:6-15".

Amend page 1, section 1, line 4, after "it]", insert "under tenure during good behavior and efficiency".

Amend page 1, section 1, line 5, after "and", insert "a written statement of"; after "oath", omit "alleging".

Amend page 1, section 1, line 7, after "charge, a", insert "copy of the".

Amend page 1, section 1, line 8, after "evidence", omit "submitted".

Amend page 1, section 1, line 9, after "a", insert "written"; after "and", insert "a written statement of".

Amend page 1, section 1, line 10, after "thereto.", omit "The board after", insert "After".

Amend page 1, section 1, line 11, after "and", insert "statements of"; after "it", insert ", the board".

Amend page 1, section 1, line 12, after "whether", omit balance of section, insert "there is probable cause to credit the evidence in support of the charge and whether such charge, if credited, is sufficient to warrant a dismissal or reduction of salary. The board of education shall forthwith notify the employee against whom the charge has been made of its determination, personally or by certified mail directed to his last known address. In the event the board finds that such probable cause exists and that the charge, if credited, is sufficient to warrant a dismissal or reduction of salary, then it shall forward such written charge to the commissioner for a hearing pursuant to N. J. S. 18A:6-16, together with a certificate of such determination. Provided, however, that if the charge is inefficiency, prior to making its determination as to certification, the board shall provide the employee with written notice of the alleged inefficiency, specifying the nature thereto, and

allow at least 90 days in which to correct and overcome the inefficiency. The consideration and actions of the board as to any charge shall not take place at a public meeting.”

Amend page 1, section 2, line 1, insert new section 2 to read as follows:

“2. N. J. S. 18A:6-12 and N. J. S. 18A:6-15 are repealed.”

Amend page 1, section 2, line 1, omit “2.”, insert “3.”

[OFFICIAL COPY REPRINT]

SENATE, No. 671

STATE OF NEW JERSEY

INTRODUCED JANUARY 28, 1974

By Senator BEDELL

Referred to Committee on Education

AN ACT concerning education ***[relating to charges against employees of a board of education and]***,* amending N. J. S. 18A:6-11 *and repealing N. J. S. 18A:6-12 and N. J. S. 18A:6-15*.

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

1 1. N. J. S. 18A:6-11 is amended to read as follows:

2 18A:6-11. **[If written]** *Any charge [is] made against any*
3 *employee of a board of education [under tenure during good*
4 *behavior and efficiency, it]* *under tenure during good behavior and
5 *efficiency** shall be filed with the secretary of the board *in writing,*
6 *and *a written statement of* evidence under oath ***[alleging]*** to*
7 *support such charge shall be presented to the board. The board of*
8 *education shall forthwith provide such employee with a copy of the*
9 *charge, a *copy of the* statement of the evidence ***[submitted]****
10 *and an opportunity to submit a *written* statement of position and*
11 **a written statement of* evidence under oath with respect thereto.*
12 **[the]** ***[the board after]*** *After* *consideration of the charge,*
13 *statement of position and *statements of* evidence presented to*
14 *it*, the board** shall determine by majority vote of its full member-
15 ship whether ***[or not a hearing on such charge [and the evidence**
16 *in support of such charge would be sufficient, if true in fact, to*
17 *warrant a dismissal or a reduction in salary]* *is warranted, in*
18 *which event it shall forward such written charge to the commis-*
19 *sioner, together with certificate of such determination. In all future*
20 *proceedings relating to such charge, no evidence in support thereof*
21 *shall be submitted or considered which is not included in the state-*
22 *ment of evidence submitted by the board to the accused employee*
23 *with the written charge. The proceedings before the board of*
24 *education shall not be adversary and shall be conducted in private*

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

25 session in such manner as will protect the rights of privacy and
26 all other rights of the accused employee]* *there is probable cause
27 to credit the evidence in support of the charge and whether such
28 charge, if credited, is sufficient to warrant a dismissal or reduction
29 of salary. The board of education shall forthwith notify the em-
30 ployee against whom the charge has been made of its determination,
31 personally or by certified mail directed to his last known address.
32 In the event the board finds that such probable cause exists and
33 that the charge, if credited, is sufficient to warrant a dismissal or
34 reduction of salary, then it shall forward such written charge to the
35 commissioner for a hearing pursuant to N. J. S. 18A:6-16, together
36 with a certificate of such determination. Provided, however, that
37 if the charge is inefficiency, prior to making its determination as to
38 certification, the board shall provide the employee with written
39 notice of the alleged inefficiency, specifying the nature thereto, and
40 allow at least 90 days in which to correct and overcome the in-
41 efficiency. The consideration and actions of the board as to any
42 charge shall not take place at a public meeting.*

1 *2. N. J. S. 18A:6-12 and N. J. S. 18A:6-15 are repealed.*

1 ***[2.]*** *3.* This act shall take effect immediately.

~~OFFICIAL~~
~~SECRET~~

FROM THE OFFICE OF THE GOVERNOR

FEBRUARY 7, 1976

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne today signed into law a bill designed to improve the procedure for dealing with charges against tenured public school teachers.

(1974-75)
The bill, S-671, sponsored by Senator Eugene J. Bedell, D-Monmouth, was signed by the Governor at the Annual Legislative Conference sponsored by the New Jersey Education Association.

The measure provides for the first time that a local Board of Education must make a determination of "probable cause" that a charge is true before submitting the charge to the State Education Commissioner for further proceedings.

The bill requires that all charges be filed with the local school board in writing, as well as a written statement of the evidence supporting the charges.

The local board would be required to provide written notification of the charge and the evidence to the teacher, who would then have the opportunity to submit a written statement of position and evidence.

The measure also provides that in cases of a charge of inefficiency, the teacher would be given 90 days to correct the inefficiency.

PROPERTY OF
NEW JERSEY STATE LIBRARY

FEB 20 1976

185 W. State Street
Trenton, N. J.