

18A:60-1 ET SEQ.

LEGISLATIVE HISTORY CHECKLIST

NJSA 18A:60-1 et seq.

Laws of 1946 Chapter 124

Bill No. A96

Sponsor(s) Hardester

Date Introduced January 28, 1946

Committee: Assembly Judiciary

Senate Judiciary

Amended during passage Yes No Original bill and
Senate comm. amendments
enclosed

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Senate April 8

Date of approval April 22, 1946

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

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ASSEMBLY, No. 96

STATE OF NEW JERSEY

INTRODUCED JANUARY 28, 1946

By Miss HARDESTER

Referred to Committee on Judiciary

AN ACT concerning education, providing for tenure of service for professors, associate professors, assistant professors, instructors, supervisors, registrars, teachers and other persons employed in a teaching capacity, who are or shall hereafter be employed by the State Board of Education or by the Commissioner of Education in certain State educational institutions, and supplementing Title 18 of the Revised Statutes.

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

1 1. The services of all professors, associate professors, assistant profes-
2 sors, instructors, supervisors, registrars, teachers, and other persons em-
3 ployed in a teaching capacity, who are or shall hereafter be employed by
4 the State Board of Education or by the Commissioner of Education in any
5 New Jersey State Teachers College or Normal School, in the New Jersey
6 School for the Deaf, in the New Jersey Manual Training and Industrial
7 School for Colored Youth, or in any other educational institution, shall be
8 during good behavior and efficiency, (a) after the expiration of a period of
9 employment of three consecutive calendar years in any such institution or
10 institutions, or (b) after employment for three consecutive academic years
11 together with employment at the beginning of the next succeeding academic
12 year in any such institution or institutions, or (c) after employment in any
13 such institution or institutions, within a period of any four consecutive

14 academic years, for the equivalent of more than three academic years;
15 *provided*, that the time any professor, associate professor, assistant profes-
16 sor, instructor, supervisor, registrar, teacher, or other person employed in
17 a teaching capacity, has taught in any such institution or institutions at
18 the time this act becomes operative shall be counted in determining such
19 period or periods of employment.

20 An academic year, for the purpose of this act, means the period between
21 the time school opens in the institution after the general summer vacation
22 until the next succeeding summer vacation.

1 2. No professor, associate professor, assistant professor, instructor,
2 supervisor, registrar, teacher, or other person employed in a teaching capac-
3 ity under the tenure referred to in section one of this act shall be dis-
4 missed or subjected to a reduction of salary except for inefficiency, incapacity,
5 conduct unbecoming a teacher or other just cause and after a written charge
6 of the cause or causes has been preferred against him, signed by the person
7 or persons making the same, and filed with the State Board of Education
8 through its secretary or with the Commissioner of Education, whichever is
9 in control of the institution in which the service is being rendered, and after
10 the charge has been examined into and found true in fact by the State
11 Board of Education or Commissioner of Education, as the case may be,
12 upon reasonable notice to the person charged, who may be represented by
13 counsel at the hearing. Charges may be filed by the Commissioner of Edu-
14 cation, a member of the State Board of Education, or by any other person,
15 whether a member of the State Board of Education or not.

1 3. For the purpose of examining into any charge filed as provided in
2 section two of this act, the State Board of Education may issue subpoenas
3 on behalf of either party to compel the attendance of witnesses to testify
4 before the State Board of Education or Commissioner of Education, as the
5 case may be, in the matter. The subpoenas shall be issued under the seal
6 of the State Board of Education and be signed by the secretary thereof,
7 and shall be served in the same manner as subpoenas issued out of the court
8 of common pleas.

9 Any person who shall neglect or refuse to obey the command of the
10 subpoena, or who after appearing shall refuse to be sworn and testify, shall
11 in either event be liable to a penalty of fifty dollars (\$50.00) to be sued for
12 in the name of the State Board of Education in any court of competent
13 jurisdiction. Such penalty when collected shall be paid to the State Treasurer.

14 The Commissioner of Education or any member of the State Board of
15 Education may administer oaths to such witnesses as may appear or be
16 brought before him or it, and any person who has been so sworn and who
17 shall testify falsely shall be guilty of perjury.

1 4. Nothing contained in sections one, two or three of this act shall be
2 held to limit the right of the State Board of Education or Commissioner
3 of Education to reduce the number of professors, associate professors, as-
4 sistant professors, instructors, supervisors, registrars, teachers, or other
5 persons employed in a teaching capacity in any such institution or institu-
6 tions when the reduction is due to a natural diminution of the number of
7 students or pupils in the institution or institutions. Dismissals resulting
8 from such reduction shall not be by reason of residence, age, sex, marriage,
9 race, religion, or political affiliation. When such professors, associate pro-
10 fessors, assistant professors, instructors, supervisors, registrars, teachers,
11 or other persons employed in a teaching capacity under tenure are dis-
12 missed by reason of such reduction those professors, associate professors,
13 assistant professors, instructors, supervisors, registrars, teachers, or other
14 persons employed in a teaching capacity having the least number of years
15 of service to their credit shall be dismissed in preference to those having
16 longer terms of service. Should any such professor, associate pro-
17 fessor, assistant professor, instructor, supervisor, registrar, teacher, or
18 other person employed in a teaching capacity under tenure be dis-
19 missed as a result of such reduction such person shall be and
20 remain upon a preferred eligible list in the order of years of service for re-
21 employment whenever vacancies occur and shall be re-employed by the State
22 Board of Education or Commissioner of Education, whichever caused the

23 dismissal, in such order, when and if a vacancy in a position for which such
24 professor, associate professor, assistant professor, instructor, supervisor,
25 registrar, teacher, or other person employed in a teaching capacity shall be
26 qualified. Such re-employment shall give full recognition to previous years
27 of service.

1 5. This act shall take effect immediately.

STATEMENT

Tenure of office acts applying to all teachers employed by district or county boards of education are provided by the Legislature of this State. The only teachers in the State school system for whom no tenure provision is made are those employed in State teachers colleges and other State institutions under the control of the State Board of Education and of the Commissioner of Education. The purpose of this act is to give to teachers in such colleges and institutions the same protection as is provided for teachers employed by district boards of education.

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SENATE COMMITTEE AMENDMENT TO

ASSEMBLY, No. 96

STATE OF NEW JERSEY

ADOPTED APRIL 8, 1946

Amend body, page 4, section 5—strike out the word “immediately” and insert in lieu thereof the words “September first, one thousand nine hundred and forty-six”.