

Maintaining a Quality Workforce

Tenure Reform

Comparing the Current Tenure Statute and the NJEA Proposal

- The NJEA proposal would retain most of the current statute's process for certifying dismissal charges against a tenured teacher for "inefficiency, incapacity, conduct unbecoming or other just cause."
 - Once charged, the employee has 15 days to file a statement and evidence with the Board of Education.
 - The BoE then has up to 45 days to certify charges and file them with the Commissioner of Education.
 - Once charges are certified, boards of education may suspend the employee without pay for up to 120 calendar days.
 - The employee has up to 15 days from the BoE's filing to file his/her answers to the charges.
 - Under the current statute, the Commissioner has 15 days to determine the sufficiency of charges, and another 10 days to transmit the case to the Office of Administrative Law.
 - Under the NJEA proposal, the Commissioner has 15 day to determine the sufficiency of charges, and another 10 days to refer the case to an Arbitrator.

Who is covered

- Under the current statute, public school teachers, secretaries, and some custodians are covered. Under the NJEA proposal, all public school employees would be covered. The current three-year probationary period would remain in effect.

Timeline once case is sent to Administrative Law Judge/Arbitrator

- Under the current statute, the process takes between 6-12 months or more to be adjudicated by an Administrative Law Judge, with a lengthy list of checkpoints to allow for additional discovery, disputes over sufficiency, and Commissioner's final decision with respect to the judge's ruling.
- Under the NJEA proposal, a hearing must be held within 60 days of the case being assigned to an arbitrator, and the arbitrator's decision – which is final and binding – must be rendered within 30 days of the conclusion of the hearing, for a total of 90 days.

Choice of Arbitrators

- Arbitrators will be American Arbitration Association (AAA/National Academy of Arbitrators)-certified. They will be selected from a list jointly created by NJEA and the New Jersey School Boards Association.