

LEGISLATIVE FISCAL ESTIMATE TO

**SENATE, No. 125**

**STATE OF NEW JERSEY**

DATED: OCTOBER 18, 1996

Senate Bill No. 125 of 1996 would streamline the hearing process under the current tenure hearing laws from two years to approximately seven months from the filing of written charges to a final decision. This bill establishes a special hearing unit within the Office of Administrative Law (OAL) and establishes time lines to expedite the hearing process. Under the bill, the Commissioner of Education would have to refer the case to the OAL within 10 days of determining that it should be adjudicated. Discovery would begin on the date of that referral and must be completed within 30 days. The pre-hearing conference would be held within 20 days of the referral and the hearing itself no longer than 45 days thereafter. The Administrative Law Judge would have 45 days to render a decision after the hearing, and, the commissioner would have 30 days to review and act upon that decision. The bill also requires the State Board of Education to act within 60 days in the event that the commissioner's decision is appealed to the board.

The OAL informally has advised the Office of Legislative Services (OLS) that the creation of a separate education unit would be duplicative and costly and that the OAL could readjust its priorities to process the education cases within the time lines mandated by this bill. This, however, would lengthen the hearing process for other types of pending cases. Therefore, in order to avoid that consequence, the OAL suggests that a minimum of one and possibly two additional judges be hired at a salary of \$80,000 each. Thus, the State could incur additional costs of between \$80,000-\$160,000, plus fringe benefits of approximately 27 percent or \$21,600-\$43,200, the first year following the bill's enactment.

In addition, the bill requires that education transcripts be provided within 15 days of the conclusion of the hearing. Under the bill's provisions it is unclear who would be responsible for paying the costs for the transcript because currently the requestor of the transcript pays, be it an individual or an agency. According to the OAL, in 1995 of the 13,171 cases pending, 41 were education tenure cases. As of July 1, 1996, education tenure cases totaled 29 out of a case load of 7,324. There are currently 12 judges assigned to handle education cases.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.