

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 125**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 28, 1996

The Senate Education Committee reports favorably Senate Bill No. 125 with committee amendments.

As amended, this bill streamlines the hearing process under the current tenure hearing laws by establishing a special, education hearing unit within the Office of Administrative Law (OAL) and by establishing time lines designed to expedite the process. Under the bill, the Commissioner of Education would refer a case to the OAL within 10 days of determining that it should be adjudicated, and the case would be assigned to the education unit, except for a case in which criminal charges were also filed. 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. Transcripts ordered by the parties are to be provided within 15 days of the conclusion of the hearing, and all briefs would be submitted within 30 days of the conclusion of the hearing or receipt of the transcripts, whichever is later. The administrative law judge would have 45 days to render a decision after the hearing, as at present; however, the commissioner would have only 30 days, rather than 45 days, to review and act upon that decision. The bill also requires the State board to act within 60 days in the event that the commissioner's decision is appealed to that board.

The current system for the filing and processing of tenure charges can take two years. The system proposed in the bill would take between 6 and 7 months from the filing of written charges to final decision.

Amendments were adopted to provide an exception for cases in which criminal charges are also filed, to clarify the procedure in several of the time lines, and to move the time line requirement for the commissioner's decision from the Administrative Procedure Act in Title 52 to the tenure statutes in Title 18A.

This bill was pre-filed for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.