



Tenure Proceedings: Fact and Fiction (excerpt)

Below is an excerpt from our book on tenure proceedings. For a full copy, please email lkalik@riker.com.

As schools are increasingly scrutinized for compliance with laws and regulations designed to promote education and the safety and well-being of children, local boards of education have focused greater attention on the conduct of school personnel. Faculty and staff members are held strictly accountable for maintaining acceptable standards of behavior, both personally and professionally. Where tenured personnel fall short, boards may initiate administrative proceedings and look to either dismiss the employee or reduce his or her compensation in accordance with the Tenure Employees Hearing Law, N.J.S.A. 18A:6-10 *et seq.* The board bears the burden of substantiating charges of inefficiency, incapacity, unbecoming conduct or other just cause against a tenured employee by a preponderance of the evidence. E.g. In re Polk License Revocation, 90 N.J. 550, 560 (1982).

We decided to survey the results of tenure proceedings in order to find out what, if any, common factors seem to persuade administrative law judges to dismiss tenured employees, rather than impose a lesser sanction. After recognizing certain recent trends, we extended our search and were able to debunk several longstanding myths about tenure proceedings and the likelihood of boards prevailing in these matters. Finally, we compiled our research results in a statistical format to satisfy our number-oriented readers.

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