

# The process for firing a tenured teacher in New Jersey

Tenure Charges are brought against a teacher for "inefficiency, incapacity, conduct unbecoming or other just cause" (criminal charges can also be brought simultaneously if warranted)



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Source: James Smith, Executive Director of School Security for Paterson, NJ schools

Investigator gathers evidence (i.e. physical, documentary, etc.), conducts interviews  
(Time: 2-3 months)

Get sworn statements, affidavits from witnesses and defendant if possible

Look for consistency with other witnesses to verify previous statements and evidence

Re-interview witnesses for clarification, ask additional questions, etc.

Investigator files affidavit and sworn statement of evidence in support of tenure charges with School District Superintendent and Commissioner of Education  
(Time: immediate)

School Superintendent certifies charges  
(Time: immediate)

Affidavit and sworn statement of evidence is sent to State Commissioner of Education for certification.  
(Time: 1 to 15 days)

Once sufficiency of charges is established, it is sent to the Office of Administrative Law  
(Time: 1 to 10 days);  
The teacher's pay is suspended for 120 calendar days

Judge typically requests attorneys to file legal briefs  
(Time: Usually 30 – 90 days)

Witnesses are called to testify, evidence is presented

The trial is commenced. The "speedy trial" concept does not apply.  
(Time: 1 to 4 years)  
Defending teacher's pay is reinstated after 120 calendar days

Judge hands down decision  
(Time: Usually 90 -120 days)

State Commissioner of Education issues final decision (may affirm judge's decision or modify decision, penalties)  
(Time: Usually 60 – 90 days)  
If teacher is found guilty, his/her license is revoked and termination or penalty takes place.

Defendant has the option of appealing the decision if a court agrees to take the case.

**Total time: 2 to 5 years**