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What's New in Agency Practice? Most Everything

A look at lawyers in niches that keep changing with the times

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School Law

All matters arising from N.J.S.A Title 18A and N.J.A.C. Title 6, particularly disputes about teacher tenure; employee compensation, benefits and discipline; student rights; vendors; relations between school boards; medical treatment and insurance.

Adjudication of tenure disputes is faster, says Joseph Morano. Under a 1998 amendment to the Tenure Employees Hearing Law, N.J.S.A. 18A:6-16, discovery requests are to be initiated within 30 days of referral to the OAL, answers are due 30 days later, the hearing is to be held 30 days after discovery and briefs are due 30 days later.

As a result of the law, "you have to work more quickly than before," Morano says.

Morano, chairman of the New Jersey State Bar Association's Administrative Law Section, says the proliferation of rules granting priority to certain cases, particularly welfare rights matters, has reduced the judge pool for some education cases and slowed resolution. One example: it can take almost a year to resolve disputes over student residency. "A decision that you used to count on in June or July is now coming in November and December," Morano says.

By the time a case is resolved, the student with questionable residency may have graduated, he says.

Taking their cues from the Department of Education and society in general, OAL judges are adopting a tougher attitude toward student misconduct, particularly when drugs and weapons are involved. This has been especially noticeable in the year since the massacre at Columbine High School in Colorado, Morano says.



NO FREE LUNCH:

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