

CHAPTER 408

AN ACT concerning a return to employment by a teacher or a professional staff member who provides special services during the 2021-2022 and 2022-2023 school years after retirement from the Teachers' Pension and Annuity Fund.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. a. Notwithstanding the provisions of N.J.S.18A:66-53.2 to the contrary, the cancellation, reenrollment, and additional retirement allowance provisions of subsection a. of N.J.S.18A:66-53.2 shall not apply to a former member of the Teachers' Pension and Annuity Fund who is a teacher or who is a professional staff member providing special services, including but not limited to a speech language specialist or a therapist, and who, after having been granted a retirement allowance, becomes employed by a board of education in a position of critical need as determined by the State Commissioner of Education on a contractual basis for a term of not more than one year; except that the cancellation, reenrollment, and additional retirement allowance provisions shall apply if the former member becomes employed within 180 days with the employer from which the member retired. Nothing herein shall preclude a former member so reemployed with a board of education from renewing a contract for one additional year; provided that the total period of employment with any individual board of education does not exceed a two-year period, unless so approved by the Commissioner of Education as being in the best interests of the school district; and provided that no such renewal shall provide the former member an election regarding whether or not to be reenrolled.

The former member's retirement shall have been a bona fide retirement and any employment or reemployment under this section shall not be prearranged before retirement.

b. A school district of a board of education in a position of critical need, as determined by the Commissioner of Education, seeking to reemploy a former member pursuant to the provisions of subsection a. of this section shall demonstrate to the board of education the need for reemploying such members prior to reemployment by the board of education.

This section shall apply only with regard to a teacher or a professional staff member who provides special services whose reemployment with any board of education commences during the remainder of the 2021-2022 school year and the entirety of the 2022-2023 school year.

2. This act shall take effect immediately.

Approved January 18, 2022.