CHAPTER 121

AN ACT concerning a return to employment by a teacher, or a professional staff member who provides special services, during the 2023-2024 school year 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. The Legislature finds and declares that:

a. On January 18, 2022, P.L.2021, c.408 was enacted permitting the return to employment of teachers and professional staff members who provide special services during the 2021-2022 and 2022-2023 school years after retirement from the Teachers' Pension and Annuity Fund.

b. This statute was intended to assist schools and school districts throughout the State by allowing the hiring of recently retired teachers to fill significant gaps in staffing caused in part by the Covid-19 pandemic.

c. While this law took effect immediately upon enactment, various delays prevented many schools and school districts from receiving the benefits of this statute for significant periods of time, resulting in a reduction of the benefit this statute was intended to provide.

d. An ongoing teacher shortage continues to challenge schools and school districts in this State and the need for this statute remains.

e. It is the obligation of the Legislature to ensure that schools and school districts have the ability to ensure that they have the staffing necessary to achieve their mission of educating the youth of this State.

f. Therefore, it is necessary to continue the provisions of P.L.2021, c.408 to apply to the 2023-2024 school year.

2. 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 2023-2024 school year.

3. This act shall take effect immediately.

Approved July 20, 2023.