

P.L. 2021, CHAPTER 408, *approved January 18, 2022*
Senate, No. 3685 (*Second Reprint*)

1 AN ACT concerning a return to employment by a ¹**['school']**¹ teacher
2 ¹or a professional staff member who provides special services¹
3 during the ¹**['public health emergency and']**¹ ²**['state of**
4 **emergency for the COVID-19 pandemic']** 2021-2022 and 2022-
5 2023 school years² after retirement from the Teachers' Pension
6 and Annuity Fund.

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

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11 1. ²a.² Notwithstanding the provisions of N.J.S.18A:66-53.2 to
12 the contrary, the cancellation, reenrollment, and additional
13 retirement allowance provisions of subsection a. of N.J.S.18A:66-
14 53.2 shall not apply to a former member of the Teachers' Pension
15 and Annuity Fund who is a ¹**['certificated']**¹ teacher ¹or who is a
16 professional staff member providing special services, including but
17 not limited to a speech language specialist or a therapist,¹ and who,
18 after having been granted a retirement allowance, becomes
19 employed by a board of education in a position of critical need as
20 determined by the State Commissioner of Education on a
21 contractual basis for a term of not more than one year; except that
22 the cancellation, reenrollment, and additional retirement allowance
23 provisions shall apply if the former member becomes employed
24 within 180 days with the employer from which the member retired.
25 Nothing herein shall preclude a former member so reemployed with
26 a board of education from renewing a contract for one additional
27 year; provided that the total period of employment with any
28 individual board of education does not exceed a two-year period,
29 unless so approved by the Commissioner of Education as being in
30 the best interests of the school district; and provided that no such
31 renewal shall provide the former member an election regarding
32 whether or not to be reenrolled.

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

36 ²b. A school district of a board of education in a position of
37 critical need, as determined by the Commissioner of Education,
38 seeking to reemploy a former member pursuant to the provisions of
39 subsection a. of this section shall demonstrate to the board of

EXPLANATION – Matter enclosed in bold-faced brackets **['thus']** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted June 17, 2021.

²Assembly AED committee amendments adopted January 3, 2022.

1 education the need for reemploying such members prior to
2 reemployment by the board of education.²

3 This section shall apply only with regard to a ¹**【certificated】**¹
4 teacher ¹or a professional staff member who provides special
5 services¹ whose reemployment with any board of ²**【election】**
6 education² commences during the ¹**【public health emergency and】**¹
7 ²**【state of emergency declared by the Governor】**² ¹**【in Executive**
8 **Order No. 103】**¹ ²**【for the COVID-19 pandemic】** remainder of the
9 2021-2022 school year and the entirety of the 2022-2023 school
10 year² ¹**【and during any extensions of that public health emergency**
11 **and state of emergency】**¹.

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13 2. This act shall take effect immediately.

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18 Permits teacher and professional staff member who provides
19 special services retired from TPAF to return to employment for up
20 to two years without reenrollment in TPAF if employment
21 commences during 2021-2022 and 2022-2023 school years.