



STATE OF NEW JERSEY

DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: March 9, 2022
To: Chief School Administrators
From: Jorden Schiff, Ed.D., Assistant Commissioner, Division of Field Services

Application for Determination of Chapter 408 Critical Need

On February 24, 2022, the New Jersey State Department of Treasury's Division of Pensions and Benefits released a [Notice to Certifying Officers](#) regarding implementation of [P.L.2021, c.408 \(Chapter 408\)](#). Chapter 408 provides that, for the 2021-2022 and 2022-2023 school years, local educational agencies (LEA) including school districts, charter schools, renaissance school projects, and Approved Private Schools for Students with Disabilities (APSSD) may temporarily hire teachers and professional staff members providing special services who are retired from the Teachers' Pension and Annuity Fund (TPAF) without reenrollment in the TPAF. For specific pension related questions, contact New Jersey State Department of Treasury's Division of Pensions and Benefits at 609-292-7524 or email Pensions.nj@treas.nj.gov.

Prior to hiring retired teachers and professional staff members providing special services in accordance with Chapter 408, each LEA must be determined to be in a position of critical need by the Commissioner of Education or designee. To apply for this designation, Chief School Administrators must submit this Application for Determination of Chapter 408 Critical Need to their [Executive County Superintendent \(ECS\)](#) that details the justification for their request. Determinations of critical need will be made on a LEA-by-LEA basis and would be applicable to the entirety of the district, across all schools and positions; beyond this application, a LEA is not required to further demonstrate critical need for each individual position, subject area, or on any other basis prior to employing TPAF retirees in accordance with Chapter 408. Therefore, the justification may reflect general information regarding the LEA's critical need that warrants hiring of retired TPAF members under Chapter 408, including the quality of applicants for previous postings, the receipt of limited applicants for postings, and/or repeated postings for various openings that remain unfilled. Once a LEA is determined to be in critical need, the LEA will be approved for 2021-2022 and 2022-2023. The ECS will provide a response to each application within three business days.



Application for Determination of Chapter 408 Critical Need

Directions to Chief School Administrators

Please provide the information below to your Executive County Superintendent to apply for your LEA to be determined to be in a position of critical need pursuant to P.L.2021, c.408 (Chapter 408) for the 2021-2022 and 2022-2023 school years.

Local Educational Agency:

Local Educational Agency Code:

County:

Chief School Administrator:

Justification for request (500-character limit):

By signing below, the Chief School Administrator affirms that the LEA will:

- Hire the most qualified applicants to fill vacancies; and
- Provide the NJDOE with data regarding the individuals hired pursuant to Chapter 408 in a format prescribed by the Commissioner. Data will include, but need not be limited to, these employees' certification areas, grade level(s) served, and course(s) served. Additional information regarding this data collection is forthcoming.

Chief School Administrator (Print or type):

Chief School Administrator Signature:

Date of Submission (mm/dd/yyyy):

County Office Review Status

Date of Review (mm/dd/yyyy):

Status:

Approved

Query*

(*The Chief School Administrator will be contacted for additional information to expedite review.)

Executive County Superintendent Signature: