



STATE OF NEW JERSEY

DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: August 9, 2023
To: Chief School Administrators
From: Christopher Irving, Ed.D., Assistant Commissioner, Division of Field Support and Services

Employment of Teachers and Certain Professional Staff Members Who are Retired from TPAF

In August 2023, the New Jersey State Department of Treasury's Division of Pensions and Benefits (NJDPB) released a [Notice to Certifying Officers](#) regarding the one-year extension of [P.L.2021, c.408 \(Chapter 408\)](#) for the 2023-2024 school year. Chapter 408 provided 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) could 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.

On July 20, 2023, Governor Murphy signed [S3798](#), permitting LEAs to submit new Chapter 408 applications for the 2023-2024 school year. 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.

Key Actions

- Chief School Administrators that wish to hire TPAF retirees pursuant to Chapter 408 must submit an [Application for Determination of Chapter 408 Critical Need](#) to their respective [Executive County Superintendent \(ECS\)](#).
- Upon receipt of the application, ECSs will provide a response to the LEA within three business days.
- Once a LEA is determined to be in a position of critical need, LEAs are responsible for complying with all relevant statutes, regulations, and other requirements of the NJDPB. See, for example, NJDPB's [Notice to Certifying Officers](#), [Fact Sheet 86](#), and the [Notice of Reemployment Form](#).
- Please note that in the application, Chief School Administrators must affirm 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 using the [Reemployment of Retired Certified Staff form](#) available on NJDOE Homeroom.
- LEAs that were approved for Chapter 408 Critical Need do not need to submit a new application.

Please be advised Chapter 408 does not modify requirements that all individuals serving in teaching and educational services roles in New Jersey's public schools must be appropriately certified.

Additional information regarding pensions, may be found at the [Division of Pensions and Benefits](#), by calling 609-292-7524, or emailing Pensions.nj@treas.nj.gov.

c: Members, State Board of Education
NJDOE Staff
Statewide Parent Advocacy Network
Garden State Coalition of Schools
NJ LEE Group