

ASSEMBLY, No. 2169

STATE OF NEW JERSEY

INTRODUCED JUNE 20, 1996

By Assemblymen MORAN, CONNORS, Holzapfel, Wolfe,
Cottrell, Rocco and Malone

1 AN ACT providing for the purchase of certain service credit in the
2 Teachers' Pension and Annuity Fund or the Public Employees'
3 Retirement System.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. A member of the Teachers' Pension and Annuity Fund who prior
9 to June 23, 1982 held a valid certificate of the State Board of
10 Education as a teacher and was employed as a remedial or
11 supplemental instructor in a position funded in whole or in part from
12 federal funds under Title I of the federal Elementary and Secondary
13 Education Act of 1965, 20 U.S.C.A. §236 et seq., and whose service
14 in that position would have qualified the person for tenure as a teacher
15 under the provisions of chapter 28 of Title 18A of the New Jersey
16 Statutes applicable on that date, but who did not acquire tenure in that
17 position prior to that date, may purchase credit for the service if the
18 member submits to the retirement system an application to make the
19 purchase not later than the 180th day following the effective date of
20 this act, P.L. , c. (now pending before the Legislature as this
21 bill). The purchase shall be made in the same manner and be subject
22 to the same terms and conditions provided for the purchase of
23 previous membership service by N.J.S.18A:66-9.

24
25 2. A member of the Public Employees' Retirement System who
26 prior to June 23, 1982 held a valid certificate of the State Board of
27 Education as a teacher and was employed as a remedial or
28 supplemental instructor in a position funded in whole or in part from
29 federal funds under Title I of the Elementary and Secondary Education
30 Act of 1965, 20 U.S.C.A. §236 et seq., and whose service in that
31 position would have qualified the person for tenure as a teacher under
32 the provisions of chapter 28 of Title 18A of the New Jersey Statutes
33 applicable on that date, but who did not acquire tenure in that position
34 prior to that date, may purchase credit for the service if the member
35 submits to the retirement system an application to make the purchase
36 not later than the 180th day following the effective date of this act,

1 P.L. , c. (now pending before the Legislature as this bill). The
2 purchase shall be made in the same manner and be subject to the same
3 terms and conditions provided for the purchase of previous
4 membership service by section 8 of P.L.1954, c.84 (C.43:15A-8).

5
6 3. This act shall take effect immediately and shall expire on the
7 181st day following enactment.

8
9
10 STATEMENT

11
12 This bill permits certain members of the Teachers' Pension and
13 Annuity Fund (TPAF) and the Public Employees' Retirement System
14 (PERS) who served as a "Title I" remedial or supplemental teacher
15 prior to the New Jersey Supreme Court's decision that such teachers
16 were entitled to tenure rights and fringe benefits available to other
17 teachers to purchase TPAF or PERS credit for that service.

18 The bill applies to any TPAF or PERS member (1) who prior to
19 June 23, 1982 held a valid New Jersey teaching certificate and was
20 employed as a remedial or supplemental instructor in a position funded
21 in whole or in part from federal funds under Title I of the Elementary
22 and Secondary Education Act of 1965, 20 U.S.C.A. §236 et seq., and
23 (2) whose service in that position would have qualified the person for
24 tenure under the tenure statute as it was construed by the New Jersey
25 Supreme Court on that date in the Court's decision in Spiewak v.
26 Rutherford Bd. of Ed., 90 N.J.63 (1982), but (3) who did not acquire
27 tenure in that position prior to that date. (The Spiewak decision made
28 the legal rule established by that case applicable on a prospective basis
29 only, so that some teachers who would have been eligible for tenure
30 had the new rule been applicable earlier did not benefit from the
31 decision.) The bill provides that such a member could purchase TPAF
32 or PERS credit for the pre-June 23, 1982 service as a remedial or
33 supplemental instructor.

34 The bill provides that the member must apply to make the purchase
35 not later than 180 days following the date on which the bill takes effect
36 as law. The terms of the purchase would be the same as those
37 applicable to the purchase of previous membership service (i.e., the
38 member must purchase all of the service rendered as a Title I teacher,
39 but is liable only for the "employee's share" of the cost of that service).

40
41
42 _____
43
44 Permits purchase of TPAF or PERS credit for certain service as
45 remedial or supplemental teacher under Title I of federal Elementary
46 and Secondary Education Act of 1965.