

CHAPTER 119

AN ACT concerning a grant program for teachers of certain subjects and amending P.L.2019, c.256.

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

1. Section 1 of P.L.2019, c.256 (C.18A:6-137) is amended to read as follows:

C.18A:6-137 Definitions.

1. As used in sections 2 through 5 of P.L.2019, c.256 (C.18A:6-138 through C.18A:6-141):

"Eligible teacher" means an individual who is employed as a teacher in a public school and who meets one of the following criteria: (1) holds a valid and effective provisional or standard instructional certificate issued by the State Board of Examiners with an endorsement in a science field, mathematics, technology education, or computer science education; (2) is currently enrolled in a degree program or a coherent sequence of courses in science, mathematics, technology, or computer science; (3) will enroll in a degree program or a coherent sequence of courses in science, mathematics, technology, or computer science within two years of the effective date of P.L.2019, c.256 (C.18A:6-137 et seq.) or within two years of participating in the grant program established pursuant to section 2 of P.L.2019, c.256 (C.18A:6-138); or (4) is currently employed by a public school district to teach in a science, technology, engineering, mathematics, or computer science field and will teach a subject and a grade level in the nonpublic school for which the teacher holds appropriate certification, including certification without a specific subject matter endorsement where permitted by N.J.S.18A:26-1 et seq.

"Nonpublic school" means an elementary or secondary school within the State, other than a public school, offering education for grades kindergarten through 12, or any combination of them, wherein any child may legally fulfill compulsory school attendance requirements and which complies with the requirements of Title VI of the "Civil Rights Act of 1964," Pub.L.88-352 (42 U.S.C. s.2000d et seq.).

"Valid objection" means an explanation of why a school district disapproves of an eligible teacher employed by the school district from entering into a partnership with a participating nonpublic school. A school district with a valid objection shall cite, with sufficient supporting proof, as determined by the Commissioner of Education, one or more of the following reasons:

- a. the proposed teaching hours at the nonpublic school conflict with the teacher's public school work responsibilities and no resolution could be found after consulting with the teacher and nonpublic school; or
- b. approval of a proposed partnership between the nonpublic school and teacher would otherwise substantially impact the quality of student instruction in the school district.

2. Section 3 of P.L.2019, c.256 (C.18A:6-139) is amended to read as follows:

C.18A:6-139 Application for participation.

3. a. A nonpublic school that wishes to participate in the grant program established under section 2 of P.L.2019, c.256 (C.18A:6-138) shall submit an application to the Commissioner of Education, in a manner and on such forms as determined by the commissioner. The commissioner shall establish the application deadlines for each school year. In the event that the grant program is not operational by September 1, 2019, the commissioner shall allow nonpublic schools to submit applications during the course of the 2019-2020 school year for implementation of the program in that nonpublic school during the 2019-2020 school year.

An application shall include the following:

- (1) the names of the nonpublic school, school district, and eligible teacher that will form a STEM partnership under the program;
- (2) acknowledgement from the nonpublic school that the eligible teacher will teach at the nonpublic school during hours during which the teacher has no conflicting public school duties;
- (3) the proposed schedule and grades to be taught by the eligible teacher at the nonpublic school;
- (4) the number of students, based on enrollment projections, that will receive instruction from the eligible teacher under the proposed schedule at the nonpublic school;
- (5) a certification from the nonpublic school that the eligible teacher shall provide only secular instruction at the nonpublic school; and
- (6) any other information specified by the commissioner.

Upon receiving a notification from a nonpublic school that a teacher employed by the school district plans to participate in the program, a school district may submit to the commissioner or designee any valid objection within 10 business days. The notification from a nonpublic school that a teacher employed by the school district plans to participate in the program and the 10-business-day period for receipt of a valid objection from the district shall occur prior to application submission. If a valid objection is received, then the commissioner shall reject the application and inform both the teacher and nonpublic school that the application was rejected.

b. The commissioner shall establish selection criteria for the awarding of grants under the program, including consideration of the application information submitted pursuant to subsection a. of this section. To the maximum extent possible, the commissioner shall select at least three nonpublic schools in each of the northern, central, and southern regions of the State to participate in the program, and nothing shall prohibit more than three nonpublic schools in each region of the State from participating. During the program's operation, the program may be expanded beyond the nonpublic schools that were initially selected to participate, as determined by the commissioner and subject to the availability of funds.

c. The commissioner shall award grants under the program based upon review of the applications and subject to the limit of funds appropriated or otherwise made available for the program. Grant funds for approved applications shall be allocated by the Department of Education to the school district of each eligible teacher participating in the program. The school district shall use the funds to provide compensation to a participating eligible teacher pursuant to this subsection including applicable federal employment payroll taxes. The commissioner shall establish the amount of each grant awarded for an eligible teacher, subject to the following:

- (1) A participating teacher shall receive an amount equal to the teacher's annual salary as calculated on a per-hour basis multiplied by the number of hours the teacher will teach STEM classes at a nonpublic school under the program multiplied by 1.25.
- (2) In the event that sufficient funds are not appropriated to fully fund the compensation to be provided to participating eligible teachers pursuant to paragraph (1) of this subsection, the commissioner shall apportion the amount appropriated among the participating eligible teachers in proportion to the compensation each participating eligible teacher would have received had the full amount been appropriated.
- (3) Payments received by a participating teacher under the grant program shall not be considered "compensation" under N.J.S.18A:66-2.

d. Funds appropriated for the grant program shall be used exclusively for the hiring of eligible teachers to teach STEM classes at a participating nonpublic school, and the eligible teacher shall teach only the classes stipulated under the program.

e. If at any time a participating nonpublic school determines that a participating eligible teacher is not in compliance with the program or is violating the nonpublic school's code of conduct, the nonpublic school may submit information to the commissioner supporting its determination, and request that the teacher be removed from participation in the program at the nonpublic school. The information submitted shall demonstrate noncompliance with the program, the nonpublic school's code of conduct, or the nonpublic school's faculty handbook. After reviewing the information, the commissioner may terminate the teacher's participation in the program at that nonpublic school.

f. The grant program established pursuant to section 2 of P.L.2019, c.256 (C.18A:6-138) shall not infringe upon the collective bargaining agreement between the majority representative of the collective negotiations unit in which the participating eligible teacher is a member and the school district in which the teacher is employed.

g. Any appropriation for the grant program made in a fiscal year that is not expended in that fiscal year shall be available to be used for the same purpose in the subsequent fiscal years.

3. This act shall take effect immediately.

Approved November 2, 2022.