

P.L. 2023, CHAPTER 61, *approved May 15, 2023*  
Senate, No. 3349 (*Third Reprint*)

1 AN ACT concerning public school tuition and amending  
2 N.J.S.18A:38-3.

3

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

6

7 <sup>2</sup>**[**1. N.J.S.18A:38-3 is amended to read as follows:

8 18A:38-3. a. Any person not resident in a school district, if  
9 eligible except for residence, may be admitted to the schools of the  
10 district with the consent of the board of education upon **[such]**  
11 terms, and with **[or without]** <sup>1</sup>or without<sup>1</sup> payment of tuition  
12 <sup>1</sup>[equal to the actual cost per pupil]<sup>1</sup>, as the board may prescribe.

13 b. Any person not resident in a school district, if eligible except  
14 for residence, and if that person previously was a resident of the  
15 district, shall be admitted to the schools of the district without  
16 payment of tuition if that person's parent or guardian is a member of  
17 the New Jersey National Guard or a member of the reserve  
18 component of the armed forces of the United States and has been  
19 ordered into active military service in any of the armed forces of the  
20 United States in time of war or national emergency, resulting in the  
21 relocation of the student out of the district. A school district  
22 admitting a student pursuant to this subsection shall not be  
23 obligated for transportation costs.

24 c. <sup>1</sup>[A school district under partial or full State intervention  
25 pursuant to P.L.2007, c.16 (18A:7A-3 et seq.) shall not admit a  
26 student who does not reside in the school district to the schools of  
27 the district.

28 d. The provisions of subsections a. and c. of this section shall  
29 not apply, regardless of residence, to the enrolled children of  
30 teaching staff members of the school district or county vocational  
31 school district who are permitted, by contract or local district  
32 policy, to enroll their children in the educational program of the  
33 school district or county vocational school district without payment  
34 of tuition] Notwithstanding any other law, rule, or regulation to the  
35 contrary, a board of education shall not admit any person that does  
36 not reside in a school district for the purposes of participation in a  
37 school sport or other extracurricular activity without the consent 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:

<sup>1</sup>Senate SED committee amendments adopted January 12, 2023.

<sup>2</sup>Senate SBA committee amendments adopted February 13, 2023.

<sup>3</sup>Assembly AAP committee amendments adopted March 23, 2023.

1 the board of education and with payment of tuition equal to the  
2 actual cost per pupil<sup>1</sup>.

3 (cf: P.L.1994, c.169, s.2)]<sup>2</sup>

4

5 <sup>2</sup>1. N.J.S.18A:38-3 is amended to read as follows:

6 18A:38-3. a. Any person not resident in a school district, if  
7 eligible except for residence, may be admitted to the schools of the  
8 district with the consent of the board of education upon such terms,  
9 and with [or without] payment of tuition, as the board [may  
10 prescribe] prescribes. Each board of education, with the approval of  
11 the executive county superintendent, shall establish a uniform  
12 tuition amount for any nonresident student admitted to the schools  
13 of a district pursuant to this section.

14 b. Any person not resident in a school district, if eligible except  
15 for residence, and if that person previously was a resident of the  
16 district, shall be admitted to the schools of the district without  
17 payment of tuition if that person's parent or guardian is a member of  
18 the New Jersey National Guard or a member of the reserve  
19 component of the armed forces of the United States and has been  
20 ordered into active military service in any of the armed forces of the  
21 United States in time of war or national emergency, resulting in the  
22 relocation of the student out of the district. A school district  
23 admitting a student pursuant to this subsection shall not be  
24 obligated for transportation costs.

25 c. The provisions of subsection a. of this section shall not apply,  
26 regardless of residence, to the enrolled children of teaching staff  
27 members of the school district <sup>3</sup>[or county vocational school  
28 district]<sup>3</sup> who are permitted, by contract or local district policy, to  
29 enroll their children in the educational program of the school  
30 district <sup>3</sup>[or county vocational school district]<sup>3</sup> without payment of  
31 tuition.

32 d. Nothing in this section shall limit a school district's ability to  
33 charge tuition pursuant to any other federal law, State statute,  
34 regulation, or court order.<sup>2</sup>

35 <sup>3</sup>e. The provisions of this section shall not apply to a county  
36 vocational school district.<sup>3</sup>

37 (cf: P.L.1994, c.169, s.2)

38

39 2. This act shall take effect immediately and shall first apply to  
40 the first full school year following enactment.

41

42

43

44

45 Requires payment of tuition for certain non-resident public  
46 school students.