

[Third Reprint]

SENATE, No. 3349

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED DECEMBER 1, 2022

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Senator JOSEPH P. CRYAN

District 20 (Union)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on March 23, 2023, with amendments.



(Sponsorship Updated As Of: 3/30/2023)

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 ²[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] ¹or without¹ payment of tuition
12 ¹[equal to the actual cost per pupil]¹, 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. ¹[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
38 the board of education and with payment of tuition equal to the
39 actual cost per pupil¹.

40 (cf: P.L.1994, c.169, s.2)]²

41
42 ²1. N.J.S.18A:38-3 is amended to read as follows:

43 18A:38-3. a. Any person not resident in a school district, if

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:

¹Senate SED committee amendments adopted January 12, 2023.

²Senate SBA committee amendments adopted February 13, 2023.

³Assembly AAP committee amendments adopted March 23, 2023.

1 eligible except for residence, may be admitted to the schools of the
2 district with the consent of the board of education upon such terms,
3 and with **【or without】** payment of tuition, as the board **【may**
4 **prescribe】** prescribes. Each board of education, with the approval of
5 the executive county superintendent, shall establish a uniform
6 tuition amount for any nonresident student admitted to the schools
7 of a district pursuant to this section.

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

19 c. The provisions of subsection a. of this section shall not apply,
20 regardless of residence, to the enrolled children of teaching staff
21 members of the school district ³**【or county vocational school**
22 **district】³** who are permitted, by contract or local district policy, to
23 enroll their children in the educational program of the school
24 district ³**【or county vocational school district】³** without payment of
25 tuition.

26 d. Nothing in this section shall limit a school district's ability to
27 charge tuition pursuant to any other federal law, State statute,
28 regulation, or court order.²

29 ³e. The provisions of this section shall not apply to a county
30 vocational school district.³

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

32
33 2. This act shall take effect immediately and shall first apply to
34 the first full school year following enactment.