

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No	
LEGISLATIVE FISCAL ESTIMATE:	Yes	04/04/2023

VETO MESSAGE:	No
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GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes
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FOLLOWING WERE PRINTED:

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REPORTS:	No
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HEARINGS:	No
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NEWSPAPER ARTICLES:	No
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CL/JA

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 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

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 the board of education and with payment of tuition equal to the
2 actual cost per pupil¹.

3 (cf: P.L.1994, c.169, s.2)]²

4

5 ²1. 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 ³[or county vocational school
28 district]³ who are permitted, by contract or local district policy, to
29 enroll their children in the educational program of the school
30 district ³[or county vocational school district]³ 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.²

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

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.

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44

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

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)

SYNOPSIS

Requires payment of actual cost per pupil for non-resident public school tuition.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2023)

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 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]** payment of tuition equal to the actual
12 cost per pupil, 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. 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.

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

36

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

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40

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STATEMENT

42

43 This bill requires a board of education to charge non-district
44 residents enrolling in a school district tuition equal to the actual
45 cost per pupil.

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.

1 Under current law, each board of education may set its own
2 terms regarding the admittance of students who do not reside in the
3 school district, including if tuition is charged and at what amount.
4 This bill amends current law to require a board of education to set
5 non-resident tuition equal to the actual cost per pupil. This bill also
6 provides that a school district subject to partial or full State
7 intervention under the “New Jersey Quality Single Accountability
8 Continuum” may not admit a student who does not reside within the
9 school district to the schools of the district.

10 Additionally, this bill amends current law to ensure enrolled
11 children of teaching staff members of the school district or county
12 vocational school district who are permitted, by contract or local
13 district policy, to enroll their children in the educational program of
14 the school district or county vocational school district without
15 payment of tuition as established under the “School Funding
16 Reform Act of 2008.”

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint] **SENATE, No. 3349**

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 23, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Senate Bill No. 3349 (2R).

The amended bill requires payment of tuition for certain nonresident public school students. The bill clarifies that any nonresident student in a school district is required to pay tuition as prescribed by the board of education.

The amended bill requires each board of education, with the approval of the executive county superintendent, to establish a uniform tuition amount for any nonresident student admitted to the schools of a district.

Additionally, the amended bill clarifies that the bill's provisions do not apply to the enrolled children of teaching staff members of a school district who are permitted, by contract or local district policy, to enroll their children in the educational program of the school district without payment of tuition.

The amended bill further clarifies that the bill's provisions do not apply to county vocational school districts. Consequently, the references in the bill to county vocational school districts have been removed.

As reported by the committee, Senate Bill No. 3349 (2R) is identical to Assembly Bill No. 5327, which also was reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to remove references to county vocational school districts and to provide that the provisions of the bill do not apply to county vocational school districts.

FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that this bill will lead to an annual revenue increase for local school districts to the extent that tuition would be paid by the parents or guardians of nonresident students admitted to the school district, and to the extent that school districts do not already require the payment of tuition for

nonresident students. The bill stipulates that county vocational school districts would not be subject to the provisions of the bill, so these districts would not receive any tuition revenue increases as a result of the bill.

The OLS estimates that districts that do receive a tuition revenue increase under the bill would see a per pupil average revenue increase of \$20,000 per year. This per pupil figure is generally based on information included in the most recent version of the Department of Education's Taxpayers' Guide to Education Spending concerning the actual budgetary per pupil cost in the 2020-2021 school year.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 3349

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 12, 2023

The Senate Education Committee favorably reports Senate Bill No. 3349 with committee amendments.

As amended, this bill permits the Board of Education to admit a nonresident student for participation in a school sport or other extracurricular activity.

Under the amended bill, a board of education may not admit any student that does not reside in a school district for the purposes of participation in a school sport or other extracurricular activity unless the board of education consents to admitting the student and the required tuition is paid.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- stipulate that a board of education may not admit any student that does not reside in a school district for the purposes of participation in a school sport or other extracurricular activity unless the board of education consents to admitting the student and the required tuition is paid; and
- make technical changes to the bill.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 3349

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2023

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3349 (1R), with committee amendments.

As amended by the committee, this bill requires payment of tuition for certain nonresident public school students.

The bill, as amended, clarifies that any nonresident student in a school district is required to pay tuition as prescribed by the board of education.

The amended bill requires each board of education, with the approval of the executive county superintendent, to establish a uniform tuition amount for any nonresident student admitted to the schools of a district.

Additionally, the amended bill clarifies that the bill's provisions do not apply to the enrolled children of teaching staff members of a school district or county vocational school district who are permitted, by contract or local district policy, to enroll their children in the educational program of the school district or county vocational school district without payment of tuition.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- require a board of education, with the approval of the executive county superintendent, to establish a uniform tuition amount for any nonresident student admitted to the schools of a district;
- clarify that any nonresident admitted to the schools of a district is required to pay tuition;
- remove a provision that allowed a board of education to admit a nonresident student in a school district for the purposes of participation in a school sport or other extracurricular activity with the consent of the board of education and payment of tuition equal to the actual cost per pupil; and
- specify that the bill's provisions do not limit a district's ability to charge tuition in accordance with any other federal or State law, regulation, or court order.

FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that this bill will lead to an indeterminate annual revenue increase for local school districts to the extent that tuition would be paid by the parents or guardians of nonresident students admitted to the school district and to the extent that school districts do not already require the payment of tuition for nonresident students. The bill directs the board of education of a school district to set a uniform tuition rate for all nonresident students admitted to the district, which is to be approved by the executive county superintendent. The bill does not provide any guidelines or restrictions for establishing the uniform tuition rate, and as a result, the OLS is not able to estimate or provide a likely range for the uniform tuition rates.

[Second 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)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on February 13, 2023, with amendments.



(Sponsorship Updated As Of: 1/10/2023)

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
44 eligible except for residence, may be admitted to the schools of the

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.

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

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

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

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

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

28

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

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 3349

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: MARCH 23, 2023

SUMMARY

- Synopsis:** Requires payment of tuition for certain non-resident public school students.
- Type of Impact:** Annual revenue increase for local school districts.
- Agencies Affected:** School districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
School Districts Revenue Increase	Per pupil average of \$20,000

- The Office of Legislative Services (OLS) determines that this bill will lead to an annual revenue increase for local school districts to the extent that tuition would be paid by the parents or guardians of nonresident students admitted to the school district, and to the extent that school districts do not already require the payment of tuition for nonresident students.
- The OLS estimates that districts newly collecting tuition revenue under the bill would see a per pupil average revenue increase of \$20,000 per year. This per pupil figure is generally based on information included in the most recent version of the Department of Education's Taxpayers' Guide to Education Spending concerning the actual budgetary per pupil cost in the 2020-2021 school year.

BILL DESCRIPTION

This bill requires nonresident students, who are admitted to a school district with the consent of the local board of education, to pay tuition as the local board prescribes. This requirement does not apply to enrolled children of teaching staff members of the school district who are permitted, by contract or local district policy, to enroll their children in the school district without payment of tuition.

Under the bill, each board of education is required, with the approval of the executive county superintendent, to establish a uniform tuition amount for any nonresident student admitted to the school district who is subject to the payment of tuition.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that this bill will lead to an annual revenue increase for local school districts to the extent that tuition would be paid by the parents or guardians of nonresident students admitted to the school districts, and to the extent that school districts do not already require the payment of tuition for nonresident students. While the bill directs the board of education of a school district to set a uniform tuition rate for all nonresident students admitted to the district, it does not provide any guidelines or restrictions for establishing the uniform rate. However, the OLS estimates that districts that admit nonresident students and will newly collect tuition revenue under the bill would see a per pupil average revenue increase of \$20,000. This estimate is based on information included in the most recent version of the Department of Education's Taxpayers' Guide to Education Spending concerning the actual budgetary per pupil cost. The OLS, however, does not have access to information concerning how many nonresident students, who may be subject to the payment of tuition under the bill, are currently enrolled in school districts.

The Department of Education's Taxpayers' Guide to Education Spending indicates that the Statewide average for actual budgetary per pupil cost in the 2020-2021 school year was \$16,823. The OLS adjusts this average figure upward to \$20,000 to: 1) account for budgetary per pupil variation among school districts in the State; 2) reflect that a different guideline for charging tuition may be used by school districts; and 3) account for inflation.

The OLS notes that the budgetary per pupil cost in the guide, as calculated by the department, generally measures the annual costs incurred for students educated within district schools, using local taxes and State aid. The costs factored in this per pupil calculation are not exhaustive; rather, the costs included in the calculation are those considered more comparable across school districts.

Finally, while the bill is not explicit in this regard, the OLS assumes that boards of education admitting students under the provisions of the bill would not be responsible for providing transportation services to those students.

Section: Revenue, Finance, and Appropriations
Analyst: Christopher Myles
Senior Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 3349

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: MARCH 23, 2023

SUMMARY

- Synopsis:** Requires payment of tuition for certain non-resident public school students.
- Type of Impact:** Annual revenue increase for local school districts.
- Agencies Affected:** School districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
School Districts Revenue Increase	Per pupil average of \$20,000

- The Office of Legislative Services (OLS) determines that this bill will lead to an annual revenue increase for local school districts to the extent that tuition would be paid by the parents or guardians of nonresident students admitted to the school district, and to the extent that school districts do not already require the payment of tuition for nonresident students.
- The OLS estimates that districts newly collecting tuition revenue under the bill would see a per pupil average revenue increase of \$20,000 per year. This per pupil figure is generally based on information included in the most recent version of the Department of Education's Taxpayers' Guide to Education Spending concerning the actual budgetary per pupil cost in the 2020-2021 school year.

BILL DESCRIPTION

This bill requires nonresident students, who are admitted to a school district with the consent of the local board of education, to pay tuition as the local board prescribes. This requirement does not apply to enrolled children of teaching staff members of the school district who are permitted, by contract or local district policy, to enroll their children in the school district without payment of tuition.

Under the bill, each board of education is required, with the approval of the executive county superintendent, to establish a uniform tuition amount for any nonresident student admitted to the school district who is subject to the payment of tuition.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that this bill will lead to an annual revenue increase for local school districts to the extent that tuition would be paid by the parents or guardians of nonresident students admitted to the school districts, and to the extent that school districts do not already require the payment of tuition for nonresident students. While the bill directs the board of education of a school district to set a uniform tuition rate for all nonresident students admitted to the district, it does not provide any guidelines or restrictions for establishing the uniform rate. However, the OLS estimates that districts that admit nonresident students and will newly collect tuition revenue under the bill would see a per pupil average revenue increase of \$20,000. This estimate is based on information included in the most recent version of the Department of Education's Taxpayers' Guide to Education Spending concerning the actual budgetary per pupil cost. The OLS, however, does not have access to information concerning how many nonresident students, who may be subject to the payment of tuition under the bill, are currently enrolled in school districts.

The Department of Education's Taxpayers' Guide to Education Spending indicates that the Statewide average for actual budgetary per pupil cost in the 2020-2021 school year was \$16,823. The OLS adjusts this average figure upward to \$20,000 to: 1) account for budgetary per pupil variation among school districts in the State; 2) reflect that a different guideline for charging tuition may be used by school districts; and 3) account for inflation.

The OLS notes that the budgetary per pupil cost in the guide, as calculated by the department, generally measures the annual costs incurred for students educated within district schools, using local taxes and State aid. The costs factored in this per pupil calculation are not exhaustive; rather, the costs included in the calculation are those considered more comparable across school districts.

Finally, while the bill is not explicit in this regard, the OLS assumes that boards of education admitting students under the provisions of the bill would not be responsible for providing transportation services to those students.

Section: Revenue, Finance, and Appropriations
Analyst: Christopher Myles
Senior Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 5327

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 16, 2023

Sponsored by:
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 introduced.



A5327 CALABRESE

2

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 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 terms,
11 and with **[or without]** payment of tuition, as the board **[may**
12 **prescribe]** prescribes. Each board of education, with the approval of
13 the executive county superintendent, shall establish a uniform
14 tuition amount for any nonresident student admitted to the schools
15 of a district pursuant to this section.

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

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

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

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

37

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

40

41

42

STATEMENT

43

44 This bill requires payment of tuition for certain nonresident public
45 school students.

46 The bill clarifies that any nonresident student in a school district is

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.

A5327 CALABRESE

1 required to pay tuition as prescribed by the board of education.

2 The bill requires each board of education, with the approval of the
3 executive county superintendent, to establish a uniform tuition amount
4 for any nonresident student admitted to the schools of a district.

5 Additionally, the bill clarifies that the bill's provisions do not
6 apply to the enrolled children of teaching staff members of a school
7 district or county vocational school district who are permitted, by
8 contract or local district policy, to enroll their children in the
9 educational program of the school district or county vocational school
10 district without payment of tuition.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5327

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 23, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 5327.

The amended bill requires payment of tuition for certain nonresident public school students. The bill clarifies that any nonresident student in a school district is required to pay tuition as prescribed by the board of education.

The amended bill requires each board of education, with the approval of the executive county superintendent, to establish a uniform tuition amount for any nonresident student admitted to the schools of a district.

Additionally, the amended bill clarifies that the bill's provisions do not apply to the enrolled children of teaching staff members of a school district who are permitted, by contract or local district policy, to enroll their children in the educational program of the school district without payment of tuition.

The amended bill further clarifies that the bill's provisions do not apply to county vocational school districts. Consequently, the references in the bill to county vocational school districts have been removed.

As reported by the committee, Assembly Bill No. 5327 is identical to Senate Bill No. 3349 (2R), which also was reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to remove references to county vocational school districts and to provide that the provisions of the bill do not apply to county vocational school districts.

FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that this bill will lead to an annual revenue increase for local school districts to the extent that tuition would be paid by the parents or guardians of nonresident students admitted to the school district, and to the extent that school districts do not already require the payment of tuition for nonresident students. The bill stipulates that county vocational school districts would not be subject to the provisions of the bill, so these

districts would not receive any tuition revenue increases as a result of the bill.

The OLS estimates that districts that do receive a tuition revenue increase under the bill would see a per pupil average revenue increase of \$20,000 per year. This per pupil figure is generally based on information included in the most recent version of the Department of Education's Taxpayers' Guide to Education Spending concerning the actual budgetary per pupil cost in the 2020-2021 school year.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 5327

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: APRIL 4, 2023

SUMMARY

- Synopsis:** Requires payment of tuition for certain non-resident public school students.
- Type of Impact:** Annual revenue increase for local school districts.
- Agencies Affected:** School districts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
School Districts Revenue Increase	Per pupil average of \$20,000

- The Office of Legislative Services (OLS) determines that this bill will lead to an annual revenue increase for local school districts to the extent that tuition would be paid by the parents or guardians of nonresident students admitted to the school district, and to the extent that school districts do not already require the payment of tuition for nonresident students.
- The bill stipulates that county vocational school districts would not be subject to the provisions of the bill, so these districts would not receive any tuition revenue increases as a result of the bill.
- The OLS estimates that districts newly collecting tuition revenue under the bill would see an average revenue increase of \$20,000 per nonresident pupil per year. This per pupil figure is generally based on information included in the most recent version of the Department of Education's Taxpayers' Guide to Education Spending concerning the actual budgetary per pupil cost in the 2020-2021 school year.

BILL DESCRIPTION

This bill requires nonresident students, who are admitted to a school district with the consent of the local board of education, to pay tuition as the local board prescribes. This requirement does not apply to enrolled children of teaching staff members of the school district who are permitted, by contract or local district policy, to enroll their children in the school district without payment of tuition. In addition, the bill provides that its provisions do not apply to county vocational school districts.

Under the bill, each board of education is required, with the approval of the executive county superintendent, to establish a uniform tuition amount for any nonresident student admitted to the school district who is subject to the payment of tuition.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that this bill will lead to an annual revenue increase for local school districts to the extent that tuition would be paid by the parents or guardians of nonresident students admitted to the school districts, and to the extent that school districts do not already require the payment of tuition for nonresident students. The bill stipulates that county vocational school districts would not be subject to the provisions of the bill, so these districts would not receive any tuition revenue increases as a result of the bill.

While the bill directs the board of education of a school district to set a uniform tuition rate for all nonresident students admitted to the district, it does not provide any guidelines or restrictions for establishing the uniform rate. However, the OLS estimates that districts that admit nonresident students and will newly collect tuition revenue under the bill would see an average revenue increase of \$20,000 per nonresident pupil. This estimate is based on information included in the most recent version of the Department of Education's Taxpayers' Guide to Education Spending concerning the actual budgetary per pupil cost. The OLS, however, does not have access to information concerning how many nonresident students, who may be subject to the payment of tuition under the bill, are currently enrolled in school districts.

The Department of Education's Taxpayers' Guide to Education Spending indicates that the Statewide average for actual budgetary per pupil cost in the 2020-2021 school year was \$16,823. The OLS adjusts this average figure upward to \$20,000 to: 1) account for budgetary per pupil variation among school districts in the State; 2) reflect that a different guideline for charging tuition may be used by school districts; and 3) account for inflation.

The OLS notes that the budgetary per pupil cost in the guide, as calculated by the department, generally measures the annual costs incurred for students educated within district schools, using local taxes and State aid. The costs factored in this per pupil calculation are not exhaustive; rather, the costs included in the calculation are those considered more comparable across school districts.

Finally, while the bill is not explicit in this regard, the OLS assumes that boards of education admitting students under the provisions of the bill would not be responsible for providing transportation services to those students.

Section: Revenue, Finance, and Appropriations

*Analyst: Christopher Myles
Senior Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

05/15/2023

TRENTON – Today, Governor Murphy signed the following bills into law:

S-2081/A-3147 (Greenstein, Sacco/DeAngelo, McKnight, Murphy) - Concerns investigation of missing persons cases

S-2463/A-4820 (Smith, Zwicker/Egan, McKnight) - Requires school districts to provide instruction on prevention of Lyme Disease and other tick-borne diseases in grades kindergarten through 12; requires DOH to publish certain guidelines concerning ticks

S-3349/A-5327 (Sarlo, Cryan/Calabrese) - Requires payment of tuition for certain non-resident public school students

Governor Murphy conditionally vetoed the following bills:

S-916/A-3966 (Beach/Freiman, Murphy, Verrelli) – CONDITIONAL - Establishes trail signage program for alcohol manufacturers in New Jersey

[Copy of Statement](#)

S-3090/A-4498 (Gopal, Lagana/DeAngelo, Murphy, Atkins) – CONDITONAL - Provides retirement allowance after 20 years of service regardless of age for members of PFRS

[Copy of Statement](#)

A-4889/S-3363 (Coughlin, DiMaio/Scutari, Pou) – CONDITONAL - Removes requirement that certain government officers disclose the address of their home or secondary residence, or that of their immediate family on financial disclosure statements

[Copy of Statement](#)

Governor Murphy absolute vetoed the following bill:

A-4035/S-3577 (Mukherji, Dancer, Wimberly/Sarlo) – ABSOLUTE - Requires gubernatorial appointment of State Agriculture

Governor Phil Murphy

Home

Administration

Governor Phil Murphy

Lt. Governor Tahesha Way

In memoriam of Lt. Governor

Sheila Y. Oliver

Senior Staff

Cabinet

Office of Climate Action and

the Green Economy

Office of Equity

Office of Health Care

Affordability and

Transparency

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