

New Jersey Department of Education



Chapter 22, Student Residency Readoption with Amendments

Division of Finance and Business Services

Second Discussion

January 17, 2024





Purpose of N.J.A.C. 6A:22



- The rules establish procedures for districts to determine students' eligibility to attend a particular school district free of charge based on the student's residency.
- The rules establish the process for charging tuition for students who are ineligible for free attendance.
- The rules include exceptions for nonresident students to attend a school district free of charge under limited circumstances.
- These rules apply only to parent-paid tuition; they do not apply to tuition charges between school districts.



Second Discussion



- The Department has not received any comments from the public regarding the amendments proposed at First Discussion.
- No additional changes are being proposed at Second Discussion.



Summary of Proposed Amendments



Implement new legislation, *P.L.2023, c.61*:

- Remove the language at *N.J.A.C. 6A:22-2.2* that allows school districts to admit nonresident students free of charge.
- Repeal *N.J.A.C. 6A:22-3.2(h)8*, which states that a district can admit nonresident students without the payment of tuition.

Add a new rule (*N.J.A.C. 6A:22-2.1*) for clarification and consistency:

- The rule states that a board of education must apply its residency requirements in a consistent manner for all students, whether the student is enrolled in the district's schools, a charter school, or an out-of-district placement.





Clarification of Amendments



- The amendments align the rules with *P.L.2023, c.61*, which eliminated a board of education's discretion to enroll nonresident students for free and requires tuition rates to be uniformly applied.
- The new law and proposed amendments do not affect the exceptions for students a district *must allow* to attend free of charge; only students who are not included in the existing exceptions must pay tuition.



Exceptions for free attendance



Nonresident students are eligible to attend a school district tuition-free in limited circumstances.

Districts are required to allow free enrollment for the following students:

- Students who are eligible under McKinney-Vento (homeless or displaced)
- Students who move out of the district due to a family crisis
- Students whose parents are ordered into active military service
- Students who are placed in the district by DCF or a court order

Districts are permitted, but not required, to allow free enrollment for students whose parents are employed by the school district.

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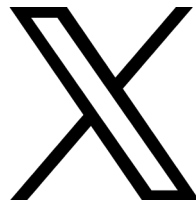
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