

Ma'aser for Tuition

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Question: Can one use *ma'aser* money for tuition payments?

Answer: The general rule is that one cannot use *ma'aser* money to pay for mitzvos that he is otherwise obligated to do. For instance, there is a mitzvah to pay back a loan, but because one is obligated to pay back his loan regardless, he cannot use *ma'aser* money for that.

Accordingly, we would need to determine whether one is obligated to pay for his children's tuition. There is a halacha that one is obligated to teach his son, at the very least, Chumash. This would mean that one definitely cannot use *ma'aser* money for his son's early education. There is no such obligation to teach Torah to one's daughters. The Shulchan Aruch Harav says that one may use *ma'aser* money for older boys' tuition. The Aruch Hashulchan and Chofetz Chaim disagree and rule that one cannot use *ma'aser* money for boys' tuition.

Practically speaking, Rav Moshe Feinstein makes the entire discussion moot by pointing out that in today's society one is legally required to send his children to school. He has no option to keep them home, and also certainly may not send them to a public school; therefore, under the circumstances he is obligated to send both his boys and girls to Jewish schools. This would mean that he cannot use *ma'aser* money for either, as long as they are of the age when one is legally required to send them to school.

If one has a choice to send a child to a school that charges less tuition but sends to a school that he feels is better for the child but charges more, he may use *ma'aser* to cover the difference in price. Furthermore, if he could convince the school to give him a break in tuition based on his financial situation, he may pay the extra amount using *ma'aser* money.

The Tzitz Eliezer argues that if one cannot afford to pay tuition unless he uses *ma'aser* money, he definitely should pay the tuition from his *ma'aser*. Even Rav Moshe agrees that if a school is charging more than it should according to his income, then he can pay the difference from *ma'aser*.

When it comes to building funds and other similar fees, if those are obligatory for all parents in the school, one would not be able to use *ma'aser*; however, if they are not enforced and the school only urges parents to pay without mandating it, one would be able to use *ma'aser*.

An important point is noted by the Shulchan Aruch Harav. He points out that Chazal say that when it is decreed how much money a person will make during a given year, the amount he spends on *talmud Torah* is not counted towards the total. In other words, it is free money. So why would one waste his *ma'aser* funds on that when he could use them for something else?

Another very important consideration is that the Pischei Choshen says that one's children's schools and yeshivos should be given precedence over other *tzedakah* causes. If one has *ma'aser* money to give away, providing additional money to those schools over and above what one is paying for tuition should, therefore, be high on one's list of priorities.

Question: What if grandparents pay for their grandchildren's tuition? May

they use *ma'aser* money?

Answer: If the parents could afford to pay tuition and the grandparents are just being nice and paying their tuition as a gift to their children, it would not be considered *tzedakah*, thus *ma'aser* money may not be used. If their children cannot afford to cover the tuition costs and the grandparents are providing them with money that they need to live by paying their children's tuition, in that case they certainly may use *ma'aser* money.