



State of New Jersey

DEPARTMENT OF EDUCATION

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Commissioner

April 28, 2010

Ms. Kathleen McKenzie Cupano, Program Development Administrator
Center for Government Services
Rutgers, The State University of New Jersey
303 George Street, Suite 604
New Brunswick, NJ 08901-2020

Re: Request for Waiver of Prohibition on Overnight Travel for the Annual Public Purchasing Educational Forum, May 12 & 13, 2010

Dear Ms. Cupano:

The New Jersey Department of Education is in receipt of the application you submitted on behalf of the Rutgers Center for Government Services for a waiver of the prohibition on overnight travel in order to facilitate the hosting of its 2010 Association Conference to be held on May 12 & 13, 2010 in Atlantic City.

As you are aware, N.J.S.A. 18A:11-12 requires that boards of education must ensure that all school district travel expenditures are "in compliance with State travel payment guidelines as established by the Department of the Treasury..." On March 17, 2008, the State Department of the Treasury issued *OMB Circular 08-19* that at Section X.B specifically prohibits reimbursement of in-State overnight travel. However, the circular authorizes the Commissioner of Education "to grant waivers for overnight travel for school board members and school district employees to attend in-State conferences pursuant to guidelines issued by the Department of Education." *OMB Circular 08-19 Section I.B.8.*

On April 17, 2008, the Department of Education issued proposed guidelines on waivers for overnight travel. See Proposed Guidance on Overnight Travel (Proposed Guidance) http://www.state.nj.us/education/genfo/travel_overnight.pdf. Subsequently, after careful consideration, the department revised the guidelines to reflect its determination that waivers of the overnight travel prohibition should be granted in only extremely limited circumstances, consistent with the clear Legislative intent to reduce non-instructional expenses of public school districts, particularly those related to travel. The revised guidelines were incorporated into

regulations adopted on December 18, 2008 at N.J.A.C. 6A:23A-7.11 and are posted on the department's web site at: <http://www.state.nj.us/education/code/current/title6a/chap23a.pdf>.

Pursuant to the regulations, waivers will not be granted for reimbursement for lodging prior to the first day of the event or after check-out time of the last day of the event. Moreover, waivers will be considered only where the sponsoring organization can demonstrate that the conference is broad and comprised of content-rich educational programming with important professional development opportunities and/or required training. In addition, the sponsoring organization must demonstrate that the conference's content, structure, scheduling and anticipated attendance necessitate that it be held on multiple consecutive days with overnight lodging.

In connection with your waiver application, you submitted the 2010 agenda and a descriptive statement for the Annual Public Purchasing Educational Forum. After carefully reviewing the submission, the department finds that the Annual Public Purchasing Educational Forum does not meet the criteria of the regulations. Based upon our review of the agenda, the department finds that the forum is narrow in scope and lacks the breadth of content necessary to justify that it be held on consecutive days with overnight lodging in order for attendees to benefit from the forum's offerings. It is for this reason that your request for a waiver of the overnight travel prohibition is denied.

It is important to note, however, that denial of your waiver request does not mean that you cannot hold a multi-day conference. Rather, it prohibits districts from reimbursing school board members and district employees for *overnight lodging* in connection with your conference. The conference can still proceed; however, districts may not reimburse attendees for such overnight lodging. Reimbursement for registration fees, mileage and meals, subject to the limitations and conditions set forth in OMB Circular 08-19 and OMB 06-14, may be permissible.

Finally, I want to emphasize that although the waiver request is denied, I recognize the value and importance of the work performed by the Rutgers Center for Government Services. However, as I am sure you are aware, given the fiscal constraints we are all facing, it is incumbent upon everyone in the education community to search for more efficient ways to deliver educational services. In the future, I encourage you and your organization to consider alternative means of providing professional development to minimize the need for overnight stays, such as holding one day, regional events.

Sincerely,



Bret Schundler
Commissioner