



State of New Jersey

DEPARTMENT OF EDUCATION

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TRENTON, NJ 08625-0500

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

ROCHELLE R. HENDRICKS  
Acting Commissioner

October 13, 2010

Mr. Gerald M. Thiers, Executive Director

Ms. Susan Recce, Assistant Director  
Association of Schools and Agencies for the Handicapped  
Lexington Square  
2125 Route 33  
Hamilton Square, NJ 08690

Dear Mr. Thiers and Ms. Recce:

The New Jersey Department of Education is in receipt of the application you submitted on behalf of the ASAH requesting a waiver of the prohibition on overnight travel in order to facilitate a two-day conference on November 11 and 12, 2010 in Atlantic City. The application indicates that there is a membership meeting on November 11 and three hours workshop presentations for school leaders seeking professional development on November 11 and 12, 2010.

As you may be 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*. Private schools for students with disabilities are required to comply with these rules, N.J.A.C. 6A:23A-18.5(a)35.

After careful consideration, the Department issued 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 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>.

It is incumbent upon the sponsoring organization to demonstrate that the conference is broad and multidisciplinary in scope, incorporates content offerings from numerous specialty areas,

and includes important professional development and training opportunities. 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 provided a copy of the 34<sup>th</sup> Annual ASAH Conference booklet which reflects a listing of the various workshops offered at the conference on November 12, 2010. The workshops for school leaders seeking professional development on November 11 and 12 are not contained in the listing of workshop offerings in Session A (morning) and Session B (afternoon) and the workshop on November 11 is the only one offered that day. After carefully reviewing your submission, the Department finds that ASAH did not demonstrate that the conference's content, structure, scheduling and anticipated attendance necessitate that it be held on consecutive days with overnight lodging. Accordingly, your request for a travel waiver is denied.

This prohibits private schools for students with disabilities from reimbursing school employees for *overnight lodging* in connection with your conference and including these costs in the certified actual cost per pupil. The conference may proceed; however, private schools for students with disabilities 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 Circular 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 ASAH and extend my best wishes for a successful event.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rochelle R. Hendricks', with a long horizontal flourish extending to the right.

Rochelle R. Hendricks

Acting Commissioner