



State of New Jersey
DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

JON S. CORZINE
Governor

LUCILLE E. DAVY
Commissioner

September 17, 2008

Mr. Jim Lukach, Executive Director
New Jersey School Counselor Association
54 Harrison Avenue
Milltown, N. J. 08850

Re: Request for Waiver of Prohibition on Overnight Travel

Dear Mr. Lukach:

The New Jersey Department of Education is in receipt of the application you submitted on behalf of the New Jersey School Counselor Association (NJSCA) for a waiver of the prohibition on overnight travel in order to facilitate a two day conference on October 19-20, 2008.

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 for 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 issued proposed guidance on waivers for overnight travel. See Proposed Guidance on Overnight Travel (Proposed Guidance) http://www.state.nj.us/education/genfo/travel_overnight.pdf. The proposed guidance requires that in order to receive a waiver, the sponsoring organization must submit, among other things, a justification for the length of the conference and the necessity to hold events for each day beyond the second day of the conference, an explanation of the importance of the target audience attending the event, a brief report including the primary purpose of the event, key issues to be addressed and their relevance to improving instruction or the

www.nj.gov/education

operation of a school or district, and a description of any continuing education requirements fulfilled by the conference. Proposed Guidance Section (b)(1). The guidance further states that the Commissioner may approve a request for a waiver "based on the strength of the application submitted considering relevance to improving instruction, school district operations or governance; relevance to the target audience; overall cost and other factors." Proposed Guidance Section (b)(2). Finally, the guidance provides that no waivers will be granted for overnight lodging for the evening prior to the start of the conference or after check out time on the last day of the event. Proposed Guidance Section (c).

In reviewing your application, the Department finds that NJSCA did not schedule the conference in such a way as to minimize the number of possible nights of overnight lodging. Specifically, the Department notes that the conference begins during the afternoon of Sunday, October 19, and that only limited educational programming and several receptions are scheduled for that day. The main programming takes place on Monday, October 20. Under these circumstances, where the essential business of the conference is taking place over the course of a single day, the Department finds that a waiver of the overnight lodging prohibition is not warranted, and, therefore, your application for a waiver 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 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.

In addition, please note that the Department recently issued revised guidance for the approval of waivers for overnight lodging to attend in-State conferences. See Revised Guidance at http://www.nj.gov/education/genfo/travel_overnight_rev.pdf. These guidelines will become effective January 1, 2009. Under the revised guidance, waivers of the overnight travel prohibition will 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. 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.

Finally, I want to emphasize that I recognize the value and importance of the work performed by NJSCA and the benefits provided by the NJSCA professional development conference. However, as I am sure you are aware, in these difficult fiscal times 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 this professional development to minimize the need for overnight stays, such as holding one day, regional events.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Lucille E. Davy".

Lucille E. Davy
Commissioner of Education

LED/DA/gm/Travel_njsca
c: Executive County Superintendents
Senior Staff