



State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BRET SCHUNDLER
Commissioner

April 15, 2010

Ellen O'Connor
President
New Jersey Association Federal Program Administrators
Avenue A & 29th Street
Bayonne, NJ 07002

Re: Request for Waiver of Prohibition on Overnight Travel

Dear Ms. O'Connor:

The New Jersey Department of Education is in receipt of the application you submitted on behalf of the New Jersey Association of Federal Program Administrators (NJAFPA) for a waiver of the prohibition on overnight travel in order to facilitate the hosting of its 41st Spring Training Institute being held in Atlantic City on April 21st and 22nd, 2010.

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 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 on the last day of the event. Moreover, waivers will be considered only where the sponsoring organization can demonstrate that the conference is broad and multi-disciplinary in scope, incorporates content offerings from numerous specialty areas, and includes important professional development opportunities and/or required training. In addition, the sponsoring organization must demonstrate that the conference's content, structure, and anticipated attendance necessitate that it be held on multiple consecutive days with overnight lodging.

In connection with your waiver application in which you discuss fiscal considerations and scholarships provided, you submitted an agenda for this conference. After carefully reviewing your submission, the Department finds that this Conference does not meet the criteria of the regulations. Based on a review of your letter and program agenda, the Department finds that the content, structure and anticipated attendance of the 41st Two-Day Spring Training Institute is such that it does not require that it be held on multiple consecutive days with overnight lodging in order for individuals to benefit from the conference's offerings. For these reasons, 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 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 the New Jersey Association Federal Program Administrators, 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. 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 or regional events.

Thank you for your attention to this matter.

Sincerely,



Bret Schundler
Commissioner

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c: Executive County Superintendents
Senior Staff