



State of New Jersey

DEPARTMENT OF EDUCATION

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Governor

KIM GUADAGNO
Lt. Governor

BRET SCHUNDLER
Acting Commissioner

March 10, 2010

Mr. John F. Donahue, Executive Director
New Jersey Association of School Business Officials
4 AAA Drive, Suite 101
Robbinsville, NJ 08691

Re: Request for Waiver of Prohibition on Overnight Travel for the Annual Conference

Dear Mr. Donahue:

The New Jersey Department of Education is in receipt of the application you submitted on behalf of the New Jersey Association of School Business Officials (NJASBO) for a waiver of the prohibition on overnight travel in order to facilitate the hosting of its 2010 Association Conference to be held on June 2, 3, and 4 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 agenda and a description of the finance, general, legal, facilities management, and procurement clinics planned for the the 48th Annual Conference. After carefully reviewing the submissions, the Department finds that the NJASBO Annual Association Conference meets the criteria of the regulations. I note that the topics covered are timely and offer a comprehensive three day professional development opportunity for New Jersey's school business officials. For this reason, the waiver request is granted. As a result of this waiver, school districts will be able to reimburse attendees for overnight lodging on June 2 and 3, 2010, provided that the remaining conditions delineated in this letter are met. Reimbursement for registration fees, mileage and meals, subject to the limitations and conditions set forth in *OMB Circular 08-09* and *OMB Circular 06-14*, may also be permissible. School districts should ensure that they approve attendance only of board members and employees whose duties are related to the purposes of the conference or who are required to attend to meet continuing education requirements as a condition of continued employment.

Moreover, please be advised that the waiver of the prohibition for reimbursement for overnight lodging covers only those attendees whose home to event commute exceeds 50 miles. In other words, only those individuals whose one-way commute to the NJASBO conference exceeds 50 miles may obtain reimbursement from their school district for overnight lodging.

Finally, I want to emphasize that I recognize the value and importance of the NJASBO Annual Conference. 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
Acting Commissioner

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C: Executive County Superintendents
Senior Staff