



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

JON S. CORZINE
Governor

LUCILLE E. DAVY
Commissioner

October 24, 2008

Robert T. Frampton, Jr., President
New Jersey Music Educators Association
18 Stonehenge Drive
Sewell, NJ 08080

Dear Mr. Frampton:

I am writing in response to your letter of September 24, 2008, regarding an annual convention offered by the New Jersey Music Educators Association (NJMEA) that generally takes place over two days in February, and is open to all music teachers in the State. For the purpose of this convention, your organization requests a waiver of the requirement at *N.J.A.C.* 6A:23A-5.9 that districts obtain prior approval from the Executive County Superintendent where more than three individuals are to attend an event.

As you are aware, on July 1, 2008, the New Jersey Department of Education promulgated new regulations governing fiscal accountability and efficiency in public school districts. *See, N.J.A.C.* 6A:23A-1 *et seq.* These regulations are consistent with the clear Legislative intent to reduce non-instructional expenses of public school districts, particularly those related to travel. Thus, for example, *N.J.A.C.* 6A:23A-5.9 requires that "[w]here a travel event has a total cost that exceeds \$5,000, regardless of the number of attendees, or where more than three individuals from the district are to attend, the school district or county vocational school district shall obtain the prior written approval of the Executive County Superintendent." The purpose of this regulation is to ensure that travel to events is limited to the fewest number of individuals needed to acquire and present the content to district staff.

The Department's regulations further provide that the requirement of obtaining prior Executive County Superintendent approval may be waived "for in-State conferences if part of an approved waiver application to the Commissioner for lodging and meals reimbursement pursuant to the OMB travel circular." You have not submitted an application, nor have you been granted a waiver for lodging and meals reimbursement for the NJMEA conference. Absent such a waiver, I do not have the authority to waive the provision set forth in *N.J.A.C.* 5.9(c) requiring prior Executive County Superintendent approval for travel events exceeding \$5,000 or where more than three individuals from a district are to attend. In addition, you state that the annual convention sponsored by

www.nj.gov/education

NJMEA takes place in February. I believe that districts will have ample time to seek and obtain appropriate approvals from the Executive County Superintendents if they desire to send more than three employees to the convention. The Executive County Superintendents have been instructed to prioritize these requests. Therefore, your request for a waiver of *N.J.A.C. 6A:23A-5.9* is denied.

Finally, I note that you do not indicate whether the NJMEA convention anticipates overnight lodging. As you may know, *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.*

The Department has posted revised guidelines for the approval of waivers for overnight lodging to attend in-State conferences that will be applicable to conferences taking place after January 1, 2009. See Revised Guidelines at http://www.state.nj.us/education/genfo/travel_overnight_rev.pdf. Under these revised guidelines, waivers of the overnight travel prohibition will be granted in only extremely limited circumstances. 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. Therefore, if the NJMEA February convention includes overnight lodging, you must apply for and obtain a waiver from the Commissioner to enable districts to reimburse attendees for such lodging and attendant expenses.

Thank you for your attention to this matter.

Sincerely,



Lucille E. Davy
Commissioner

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