



State of New Jersey

DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

JON S. CORZINE
Governor

LUCILLE E. DAVY
Commissioner

January 30, 2009

Marie S. Bilik, Executive Director
New Jersey School Boards Association
413 West State Street
P.O. Box 909
Trenton, NJ 08605-0909

Re: Request for Waiver of Prohibition on Overnight Travel

Dear Ms. Bilik:

The New Jersey Department of Education is in receipt of the application you submitted on behalf of the New Jersey School Boards Association (NJSBA) in conjunction with the New Jersey Association of School Administrators (NJASA) and 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 a three day conference on October 28, 29 and 30, 2009. You request that this conference waiver encompass your proposed 2010 and 2011 annual workshops also.

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, you submitted the program booklet from your 2008 Workshop along with information on this year's workshop. After carefully reviewing the submissions, the Department finds that the 2009 Workshop meets the criteria of the revised guidelines. First, I note that based on the agenda from last year's conference, a wide variety of topics in areas such as labor relations, school leadership, regionalization and shared services, school safety, curriculum and professional development are covered. Additionally, the NJSBA is providing mandatory new board member orientation training along with training sessions for incumbent and re-elected/appointed board members at the Workshop, which should reduce the number of additional training sessions needed during the year. For these reasons, this waiver request is being granted for the 2009 Annual Workshop. For policy reasons, the Department will not grant a multi-year waiver for the 2010 and 2011 Annual Workshops at this time. You may submit waiver applications for these events in the future.

As a result of this waiver, school districts will be able to reimburse attendees for overnight lodging, 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 on *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.

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 NJSBA Annual Workshop 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 NJSBA Annual Workshop, and appreciate the NJSBA's efforts to reduce the costs associated with school district travel. As 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 continue 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,



Lucille E. Davy
Commissioner

LED/DA/klm/S:NJSBA Travel Waiver.doc
c: Executive County Superintendents
Senior Staff