



State of New Jersey

DEPARTMENT OF EDUCATION

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TRENTON, NJ 08625-0500

CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

CHRISTOPHER D. CERF

Commissioner

February 7, 2013

Mr. Charles Miele, Executive Director
New Jersey School Buildings and Grounds Association
P. O. Box 294
West Milford, New Jersey 07480

Dear Mr. Miele:

The New Jersey Department of Education is in receipt of your letter submitted on behalf of the New Jersey School Buildings and Grounds Association (NJSBGA) requesting a waiver of the prohibition on overnight travel in order to facilitate the hosting of the 17th Annual Conference and Expo planned for March 26-27, 2013 in Atlantic City, New Jersey.

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..." State Department of the Treasury *OMB Circular 12-14* 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 12-14 Section I.B.8*.

The Department's regulations at *N.J.A.C.* 6A:23A-7.11(c) authorize the Commissioner to grant overnight in-State travel waivers only in extremely limited circumstances, where the sponsoring organization can demonstrate that the conference is broad and multidisciplinary in scope, 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. The travel regulations 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 of 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

Mr. Charles Miele

February 7, 2013

Page 2

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.

After carefully reviewing your submission, the Department finds that the 17th Annual NJSBGA Conference and Expo does not meet the specific requirements of the regulations to provide programming that is broad and multidisciplinary in scope, and comprised of content-rich instruction related programming necessitating multiple consecutive days of attendance. For this reason, the waiver request for the prohibition on in-State travel for attendance at this multiday conference is denied.

It is important to note that denial of your waiver request does not mean that NJSBGA cannot hold a multi-day conference. Rather, the denial 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 11-09 and OMB 12-14, may be permissible.

Finally, I want to emphasize that although the waiver request is denied, I recognize the important contribution the work performed by the NJSBGA provides to New Jersey's public schools.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ch D Cerf', written in a cursive style.

Christopher D. Cerf
Commissioner

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c: Susana Guerrero

Senior Staff

Pam Castellanos

Executive County Superintendents