

**Notice of Adoption Regarding the Readoption with Amendments at N.J.A.C. 6A:23A, Fiscal Accountability, Efficiency and Budgeting Procedures, Subchapters 1 through 15**

The following is the accessible version of the notice of adoption for the readoption with amendments at N.J.A.C. 6A:23A-1 through 15. The document includes three sections – [hearing officer's recommendation](#), [comments and responses](#) and [amendments upon adoption](#).

## **Education**

### **Commissioner of Education**

#### **Fiscal Accountability, Efficiency, and Budgeting Procedures**

#### **Readoption with Amendments: N.J.A.C. 6A:23A-1 through 15**

#### **Adopted Repeals: N.J.A.C. 6A:23A-2.5, 2.6, and 14.3**

Proposed: May 6, 2024, at 56 N.J.R. 631(a).

Adopted: October 3, 2024, by Kevin Dehmer, Acting Commissioner, Department of Education.

Filed: October 3, 2024, as R.2024 d.105, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: P.L. 2006, c. 15; P.L. 2007, c. 53; P.L. 2007 c. 62; P.L. 2007, c. 63; P.L. 2007, c. 260; P.L. 2008, c. 36; P.L. 2008, c. 37; P.L. 2009, c. 19; P.L. 2010, c. 39; P.L. 2010, c. 44; P.L. 2010, c. 49; P.L. 2010, c. 121; P.L. 2011, c. 202; P.L. 2012, c. 78; P.L. 2012, c. 80; P.L. 2013, c. 173; P.L. 2013, c. 280; P.L. 2015, c. 46; P.L. 2015, c. 47; P.L. 2015, c. 157; P.L. 2017, c. 83; P.L. 2019, c. 169; P.L. 2023, c. 124; and P.L. 2023, c. 289.

Effective Dates:       October 3, 2024, Readoption;  
                                  November 4, 2024, Amendments and Repeals.

Expiration Date:       October 3, 2031.

#### **Summary of Hearing Officers' Recommendation and Agency's Response:**

The Department of Education (Department) held public hearings on May 13, 15, and 16, 2024.

The hearings were held in the following locations and the hearing officials were as indicated:

– May 13, 2024 – New Jersey Department of Education, Trenton, New Jersey. Secil Onat, Assistant Commissioner for Finance and Business Services, and Tom McMahon, Director of Fiscal Policy and Planning, served as hearing officers.

- May 15, 2024 – Camden County Regional Emergency Training Center, Blackwood, New Jersey. Allen Dupree, Director of School Finance, and Carmen Rodriguez, Executive County Superintendent, Camden County Office of Education, served as hearing officers.
- May 16, 2024 – Morris County Public Safety Training Academy Auditorium, Morristown, New Jersey. Secil Onat, Assistant Commissioner for Finance and Business Services, and Nancy Gartenberg, Executive County Superintendent, Morris County Office of Education, served as hearing officers.

One organization testified at the hearing in Mercer County. No individuals or organizations testified at the hearing in Camden County. One organization appeared at the hearing in Morris County but declined to testify and, instead, indicated that the organization would submit written comments during the public comment period.

The hearing officers made no recommendation during the hearings. After reviewing the comments received during the hearing and the public comment period, the hearing officers recommend that the notice of proposal be adopted with one change. The Department accepts the hearing officers' recommendation.

A record of the public hearings in Mercer, Camden, and Morris counties is available for inspection in accordance with applicable law by contacting:

David Corso, Assistant Commissioner  
Division of Finance and Business Services  
Department of Education  
PO Box 500  
Trenton, NJ 08625-0500

## **Summary of Public Comments and Agency Responses:**

The following is a summary of the comments received from members of the public and the Department's responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Jean Publice
  2. Harry Lee, President and CEO, New Jersey Public Charter Schools Association
  3. Lori Perlow, Northeast Region Vice President, National School Public Relations Association, and Maren Smagala, President, New Jersey School Public Relations Association
  4. Susan Young, Executive Director, New Jersey Association of School Business Officials
  5. John J. Burns Esq., Senior Legislative Counsel, New Jersey School Boards Association
- 
1. Comment: The commenter thanked the Department for the opportunity to provide public testimony on the readoption with amendments at N.J.A.C. 6A:23A-1 through 15. The commenter also thanked the Acting Commissioner for meeting with the New Jersey Public Charter Schools Association (NJPCSA) to discuss its legislative and regulatory priorities and, specifically, the charter school enrollment system. The commenter stated that there does not have to be a school district versus charter school mentality and the rules should allow school districts and charter schools to thrive alongside one another. (2)  
Response: The Department appreciates the comments and agrees that it is important for charter schools and school districts to work together and thrive alongside each other.
  2. Comment: The commenter stated that the management of schools should remain the subject of local control. The commenter stated that Department rules should not exceed the scope necessary to ensure a thorough and efficient system of public education. The

commenter stated that hiring a chief administrator is one of the most critical district board of education responsibilities and selection of an appropriate candidate should continue to be the subject of local control. (5)

Response: The Department agrees that school districts have discretion in how best to provide a thorough and efficient education. However, N.J.A.C. 6A:23A-1 through 15 increase efficiency and ensure fiscal accountability in the expenditure of public funds.

3. Comment: The commenter stated that high school salaries do not and should not automatically increase by \$5,000 increments. (1)

Response: The definition and use of “high school salary increment,” along with other definitions related to limits on superintendent salaries, have been proposed for deletion pursuant to P.L. 2019, c. 169, which prohibits the Department from regulating the maximum salary paid to superintendents.

4. Comment: The commenter stated that N.J.A.C. 6A:23A-1.2 includes a definition for “school business administrator,” but “school business administrator/board secretary” is used 14 times at N.J.A.C. 6A:23A-16 to 22. The commenter objected to the use of “school business administrator/board secretary” in each instance and requested that the rules be changed to reference only “school business administrator” because the school business administrator and board secretary are separate positions and not a combined position. (4)

Response: The Department disagrees. The rules do not recognize or create a combined position of “school business administrator/board secretary.” However, school districts routinely include a requirement for the school business administrator to serve as the board secretary, as permitted pursuant to N.J.S.A. 18A:17-14.1.

5. Comment: The commenter stated that the readopted rules at N.J.A.C. 6A:23A-1 through 15 allow for inflation increments for such things as cost of meals, maximum travel budget, and registration fees. The commenter stated that numerous inflation indexes exist and the rules do not establish which method should be used for calculating the inflation rate. The commenter requested a change at N.J.A.C. 6A:23A-1.2 to add a definition for “inflation” to clarify the specific method that should be utilized for calculating the inflation index and updating the dollar amounts throughout N.J.A.C. 6A:23A to their current amounts. (4)

Response: The Department disagrees with the suggestion to inflate all dollar amounts. The rules provide flexibility to allow school districts to apply inflation rates in certain circumstances, as they deem appropriate. The Department agrees that clarification is necessary regarding which inflation rate is to be utilized when adjusting cost limits.

Therefore, the Department will change, upon adoption, the definition of “regular school district business travel,” which is one of the five types of travel events within the definition of “travel expenditures” at N.J.A.C. 6A:23A-1.2, to add “using annual increases in the New Jersey CPI” after “may be adjusted by inflation” at the end.

6. Comment: The commenter requested that the Department change N.J.A.C. 6A:23A-3.1(c)1 to specifically require the rescission and reformation of a superintendent’s or deputy superintendent’s contract to trigger the notice and hearing provisions at N.J.S.A. 18A:11-11. The commenter stated that this change is necessary to be consistent with the holding in *Wall Township Education Assn. v. Bd. Of Educ. of Wall Twp.* No. A-4885-17T1 (March 14, 2019). The commenter also stated that this rule should apply to charter school boards of trustees to promote greater uniformity in accountability. (5)

Response: The Department disagrees. The plain language at N.J.A.C. 6A:23A-3.1(c)1, in

addition to the case cited by the commenter, is sufficiently clear that any modification to a school district superintendent's contract through a rescission is still subject to the public notice and public hearing requirements at N.J.S.A. 18A:11-11. In addition, N.J.S.A. 18A:11-11 does not require charter school boards of trustees to meet publicly to discuss contractual matters. Therefore, imposing this requirement on charter school boards of trustees would require statutory authorization.

7. Comment: The commenter requested that the Department delete N.J.A.C. 6A:23A-3.1(e)1 and 2. The commenter stated that the two percent levy cap and cap on administrative spending have eliminated the need to limit negotiations between local officials and school personnel. The commenter stated that N.J.A.C. 6A:23A-3.1(e)1, which requires contracts for each class of administrative position to be comparable with others in the region, imposes additional standards that are not based in statute. The commenter stated that the rule has not been applied consistently throughout the State, and that the additional limitations on negotiations have led to the premature exit or retirement of many talented educational leaders. (4)

Response: The Department disagrees that there is no statutory basis for the requirements at N.J.A.C. 6A:23A-3.1(e)1. N.J.S.A. 18A:7-8.1.a requires, in identical language, that the review and approval of certain contracts be conditioned on a comparability analysis. The Department appreciates the support of the deletion at N.J.A.C. 6A:23A-3.1(e)2.

8. Comment: The commenter requested the deletion of N.J.A.C. 6A:23A-3.1(e)11 and 12, which require merit and/or contractual bonuses in certain administrative contracts to meet specific criteria. The commenter stated that the two percent levy cap and the cap on administrative spending have eliminated the need to limit negotiations between local

officials and school personnel. The commenter also stated that N.J.A.C. 6A:23A-3.1(e)11 and 12 impose additional standards that are not based in statute. The commenter further stated that the rules have not been applied consistently throughout the State. The commenter also stated that the additional limitations on negotiations have led to the premature exit or retirement of many talented educational leaders. (4)

Response: The Department disagrees that there is no statutory basis for the requirements at N.J.A.C. 6A:23A-3.1(e)11 and 12, as N.J.S.A. 18A:7-8.1.i and j explicitly limit the basis for bonuses to be included in administrative contracts.

9. Comment: The commenter requested that the Department change N.J.A.C. 6A:23A-4.2, which requires a school business administrator to certify that income tax documents comply with State and Federal law. The commenter requested a change to require the tax compliance certification to be reviewed and signed by an independent, third-party auditor. The commenter stated that the requested change would prevent placing school business administrators in the position of reviewing their own work. The commenter also stated that the rule should be changed because N.J.S.A. 18A:23-2.1 requires the annual audit to include test measures to ensure that the documents prepared for income tax purposes comply fully with Federal and State law and regulation, but does not require the auditor to sign the tax compliance certification. (4)

Response: The Department disagrees. N.J.A.C. 6A:23A-4.2 aligns with N.J.S.A. 18A:17-14.4, which requires the school business administrator, or any other person designated by the district board of education, to certify that income tax documents comply with State and Federal law.



10. Comment: The commenter recommended that the Department delete, at N.J.A.C. 6A:23A-5.2, the limitation on the use of public relations in school districts. The commenter stated that the limitation is redundant due to the two percent levy cap districts and limitations on administrative expenses. The commenter also stated that the two percent levy cap is sufficient to require school districts to engage in reviewing all costs to search for the most efficient use of public funds. The commenter further stated that the decision on how to best use the funds should be left to local control and that school districts need additional flexibility in this area. The commenter also stated that, as public relations have migrated online, the restrictions lead to confusion and impede effective communications with stakeholders. The commenter further stated that some school districts require a full-time public relations professional and that doing so can be the most cost-effective solution for some school districts. The commenter requested, as an alternative, that the Department change the rules to provide clearer examples of prohibited conduct in the age of social media because the existing restrictions cause confusion and impede effective communication since most school district communication now is online through websites and social media platforms. (5)

Response: The Department disagrees with the requested change to remove the limits on public relations spending. Even in the presence of the two percent tax levy growth limitation, in the absence of more specific rulemaking regarding the use of available funds, it is plausible that a school district could expend excessively high amounts on items such as public relations, thereby depriving more critical areas, such as classroom instruction, of needed resources. The rules ensure fiscal accountability in the expenditure of public funds. The Department also disagrees that the rules should be amended to include additional examples of acceptable communications. As the number of examples

included increase, there is a greater possibility that the examples will be misinterpreted as an exhaustive list.

11. Comment: The commenter stated that school districts have seen an increase in litigation as a result of P.L. 2019, c. 120, which expanded the statute of limitations for sexual abuse claims. The commenter stated that the 130 percent threshold for legal costs relative to the State average as required at N.J.A.C. 6A:23A-5.2(a)3 should be adjusted upward to provide more flexibility to respond to increased litigation costs. (5)

Response: The Department disagrees. As the rate of 130 percent is compared with the Statewide average, a law that resulted in increased average costs will increase the allowable dollar amount for school districts' legal costs, even as the rate remains unchanged. Moreover, a school district may provide "evidence the procedures would not result in a reduction of costs," which provides school districts flexibility to account for any particular circumstances in the school district that may lead to legal costs that exceed 130 percent.

12. Comment: The commenter requested that the Department delete N.J.A.C. 6A:23A-5.2(c). The commenter stated that since most communication takes place online, the limitations on the use of materials and production techniques when cheaper appropriate alternatives are available is anachronistic. The commenter also stated that the two percent levy cap sufficiently constrains school district spending. (5)

Response: The Department disagrees with the recommendation to eliminate the requirement for school districts to use cost-efficient methods for distributing publications. While the Department appreciates that communication is increasingly taking place online,

the use of materials and production techniques for non-online communications continue to promote efficiency and ensure fiscal accountability in the expenditure of public funds.

13. Comment: The commenter requested that the number of Medicaid-eligible classified students to qualify for a waiver of the requirements at N.J.A.C. 6A:23A-5.3(b) be raised to 100 students from the existing threshold of 40 or fewer students. The commenter stated that not all identified students need services and, therefore, the revenue received by the school district for participation in the program is overstated and exceeds the cost incurred. (4)
- Response: The Department disagrees. The Special Education Medicaid Initiative (SEMI) revenue is reimbursement, not true revenue, and the amount is not overstated. SEMI reimburses school districts for a portion of the costs associated with providing health services; it is not intended to fully reimburse all costs. School districts have no direct costs associated with participating in SEMI; rather, SEMI is meant to bring back reimbursement to offset costs.

Each school district has a specifically tailored formula based on the number of Medicaid-eligible students with disabilities from the student count day, the three-year average of health services logged, plus a 20 percent reduction already built-in to account for health services provided by non-SEMI qualified staff. Therefore, prior performance drives future projections. In addition, the Department allows school districts to submit reasonable alternate revenue projections if there is a concern regarding meeting their projections. While the largest 30 school districts earn the majority of the SEMI recovery, raising the 40-student cutoff would significantly decrease overall recovery.

14. Comment: The commenter requested that the Department delete proposed new N.J.A.C. 6A:23A-5.3(i). The commenter objected to the school district being required to refund all

or part of its SEMI reimbursements if the school district does not meet the requirement of the “cost-settlement components.” The commenter stated that meeting the cost-settlement component is hampered by needing to obtain parental approval, the assumption that all Medicaid-eligible students require services, and the overall cost of operating the SEMI program. The commenter also stated that the proposed new rule does not make it clear when a refund of the SEMI reimbursement would be partial or full. The commenter further stated that the proposed new rule will create a disincentive to participate in the program. The commenter requested, as an alternative to deleting the proposed new rule, that “cost settlement components of SEMI” be identified and defined. (4)

Response: The Department disagrees. The “cost settlement components of SEMI” are detailed in the Department of Treasury’s [School Based Medicaid Reimbursement Programs Provider Handbook](#) and do not need further clarification in the rule. The SEMI reimbursements received during the course of the school year are interim payments. The cost-settlement process requires school districts to report their actual expenditures related to the provision of health services and, if interim payments exceed reported costs, school districts may be required to repay the difference. Any school district that fails to complete cost settlement is not entitled to keep any received interim payments and must return all of them. The cost settlement reference manual identifies and defines the cost-settlement components. The cost-settlement process ensures the responsible oversight of public funds.

The Federal government requires parental approvals and that the completed parental consent form is collected once for each student; therefore, a consent form is applicable for the entirety of the time the student is enrolled in the school district. The State covers all costs for operating the SEMI program.

15. Comment: The commenter requested that the Department replace “shall” at N.J.A.C.

6A:23A-5.4(a) with “may as appropriate” to grant the Commissioner discretion to determine if a violation of the Public-School Contract Law calls for a formal review. The commenter stated that this flexibility would reduce the waste of public resources on investigations of trivial violations. (4)

Response: The Department disagrees. N.J.S.A. 18A:7F-60 and 18A:55-2 require the Commissioner to investigate any alleged violation of the Public-School Contract Law and withhold funds for school districts found to have violated the law. The Commissioner does not have the discretion to determine if a violation is trivial.

16. Comment: The commenter requested that the Department delete N.J.A.C. 6A:23A-5.5, Expenditure and internal control auditing. The commenter stated that the auditing of school districts receiving 50 percent or more of their budget from State aid should be done at the Department’s discretion and expense to save tax dollars and school district resources. (4)

Response: The Department disagrees. The requested change would place the cost burden on State taxpayers as a whole, while the cost of auditing a school district that receives the majority of its general fund budget from the State is more appropriately borne by the taxpayers of that school district.

17. Comment: The commenter requested that the time limits to respond to the Office of Fiscal Accountability and Compliance (OFAC) set forth at N.J.A.C. 6A:23A-5.6(a) and (b) be changed from 30 days to 60 days. The commenter stated that 60 days is a more reasonable timeframe and will accommodate district board of education meeting dates. (4)

Response: The Department disagrees with the commenter’s suggestion to extend the deadlines at N.J.A.C. 6A:23A-5.6(a) and (b), which collectively require a discussion of

OFAC findings at a public district board of education meeting within 30 days of receiving the findings and for the district board of education to approve a corrective action plan within another 30 days. The time limits are critical to ensure public transparency and that the issues are addressed promptly. A district board of education can call a special public meeting if it is not prepared to address the issues at the next regularly scheduled monthly meeting.

18. Comment: The commenter requested that the Department change N.J.A.C. 6A:23A-5.8(c) to “permit” a district board of education to take certain actions regarding student activities rather than “requiring” the actions. The commenter also requested the deletion of “at a minimum.” The commenter stated that the existing rule is overly prescriptive and should be subject to local control. (4)

Response: The Department disagrees that the rule is overly prescriptive. Requiring preapproval of field trip destinations, the establishment of dollar thresholds for awards, and budgeting for certain student activities, still leaves the final determination to the district board of education’s discretion. The Department also disagrees with the request to delete “at a minimum” because its use does not require a district board of education to establish policies beyond the three enumerated, while deleting “at a minimum” may lead to an inaccurate interpretation that a district board of education’s policies are limited to the three areas.

19. Comment: The commenter requested that the Department delete N.J.A.C. 6A:23A-5.8(e), which specifies the documentation required to support activities, meals, and refreshments at school district events. The commenter stated that the rule is overly prescriptive and should be subject to local control. (4)

Response: The Department disagrees. The required documentation is essential for

transparency and public oversight to ensure fiscal accountability in the expenditure of public funds.

20. Comment: The commenter requested that the Department delete N.J.A.C. 6A:23A-5.9(b), which limits travel and lodging for events held outside the State. The commenter stated that the rule is overly prescriptive and should be subject to local control. The commenter requested that the Department at least consider reducing the mileage for lodging to 10 miles instead of the existing 50-mile threshold. The commenter stated that employees attending professional development workshops should not be excluded from casual discussions that take place between and after formal sessions because of how far they live from the venue. The commenter also stated that requiring local attendees to leave the venue could result in commuting safety issues given the length of the professional development. (4)

Response: The Department disagrees. The existing rule provides an appropriate balance between allowing district board of education members and school district staff to avail themselves of development opportunities and ensuring fiscal responsibility of the expenditure of public funds. The Department also disagrees with the request to reduce the requisite mileage from 50 miles to 10 miles. The requested threshold would allow for an increased expenditure of public resources for what amounts to a nominal commute between an individual's home and an event's location.

21. Comment: The commenter recommended deleting N.J.A.C. 6A:23A-6.7(b) and (c), which require school districts to inquire with the executive county superintendent about shared services when considering financial systems or automating other systems or functions and to establish access controls, respectively. The commenter stated that the

rules are overly prescriptive because school districts' needs vary with regard to security and internal controls. The commenter also stated that school districts' needs change over time and are assessed by auditors and insurance professionals. The commenter further stated that the Commissioner may have the option to order specific security and internal controls for individual school districts as part of increased State oversight. (4)

Response: The Department disagrees with the contention that the rule is overly prescriptive. The rule only requires that a school district contact the executive county superintendent to inquire about possible shared services that may result in efficiencies. The rule does not require a school district to enter into any specific shared services agreement, or the executive county superintendent to impose a shared services agreement.

22. Comment: The commenter recommended deleting N.J.A.C. 6A:23A-6.8(a)3iii(4) and (a)3iv, v, vi, x, and xiii, which require specific details to be reported in each school district's position control roster. The commenter stated that the rules are overly burdensome and impractical to accomplish. (4)

Response: The Department disagrees. The type of personnel information required at N.J.A.C. 6A:23A-6.8(a)3iii(4), iv, v, vi, x, and xiii is essential for school districts to maintain in order to promote efficient operations. Furthermore, the Department needs the information set forth in a detailed, accurate position control roster in situations in which a school district contends that it is experiencing fiscal distress and requires extraordinary financial support from the Department, such as an advanced State school aid payment pursuant to N.J.S.A. 18A:7A-56.



23. Comment: The commenter recommended deleting N.J.A.C. 6A:23A-6.9(a)2x and xi, 3, and 6, which specify requirements for a school district's work order system, including for the request for work, the close-out, and the subsequent analysis of the information in the work order system. The commenter stated that the rules are overly burdensome and impractical to accomplish. (4)

Response: The Department disagrees. First, the rules that the commenter requested be deleted are all part of an automated system that, by design, reduces the burden on individuals. Second, the rules represent sound practices designed to provide for proper planning and the avoidance of cost overruns in the course of maintaining facilities. N.J.A.C. 6A:23A-6.9(a)2x requires a projection of the materials and supplies required to complete certain work, and N.J.A.C. 6A:23A-6.9(a)2xi requires an estimate of the number of labor hours required to complete a task. These estimates are essential to proper planning and the ability for a school district to determine what work can be completed within a given budget. N.J.A.C. 6A:23A-6.9(a)3 requires that the automated system includes close-out information regarding the actual hours worked and hourly rates paid, including overtime, aggregate labor costs, actual materials and supplies used, and the actual cost of materials and supplies. These are basic parameters that are collected and assessed in an efficiently operating school district to identify deviations from the original projections, which may detect inefficiencies or improve the process of establishing projections and allow for more accurate budgeting. N.J.A.C. 6A:23A-6.9(a)6 requires the analysis of projected and actual costs. In the absence of this analysis, school districts would not be able to identify efficiencies that may have existed or to improve upon its methods for developing projections. The analysis is critical to improve budgeting for maintenance projects and avoiding cost overruns.

24. Comment: The commenter recommended deleting N.J.A.C. 6A:23A-6.10(b) and (c), which establish requirements for school districts' financial systems and a monthly review of payments made in excess of approved purchase order amounts. The commenter stated that requiring a school district to adopt a policy mandating approval for amounts paid in excess of purchase orders is micromanagement and is already included in a school district's internal controls and reviewed by the auditors during the annual audit. (4)

Response: The Department disagrees. Existing N.J.A.C. 6A:23A-6.10(b) and (c) establish basic guidelines to ensure that public funds are not inappropriately expended on duplicative purchase orders and invoices, or in excess of amounts that have been previously approved. While these matters may be reviewed by the school district's auditor in its annual audit, a practice that includes a significant delay is not sufficient. The existing rules provide for a more immediate identification of a potential problem in a school district's practices and allows for a more immediate remedy.

25. Comment: The commenter recommended deleting N.J.A.C. 6A:23A-6.11, which requires district boards of education to adopt policies for the use of school district vehicles, and to maintain records for driver operators and vehicle maintenance. The commenter stated that the rules are overly prescriptive and most of the information is already required to be maintained for insurance purposes. (4)

Response: The Department disagrees. The rules proposed for readoption with amendments and repeals are included to ensure sound fiscal management of public funds. It is not prescriptive to require a district board of education to adopt policies to maintain records that are already being maintained for other purposes. Nevertheless, not all of the documents required at N.J.A.C. 6A:23A-6.11 to be maintained would be maintained absent the rules. Furthermore, the Department considers these documents to be necessary

to ensure that school district vehicles are being properly maintained and that tax dollars are being used soundly.

26. Comment: The commenter recommended deleting N.J.A.C. 6A:23A-6.12(b)2, (g), and (k), which limit the use and alterations of school district vehicles. The commenter stated that the rules are overly prescriptive and inefficient and should be managed by school district policies and procedures. (4)

Response: The Department disagrees. N.J.A.C. 6A:23A-6.12(b)2 establishes reasonable standards for the lease or purchase of a vehicle to be used by a group of employees. The rule is necessary to ensure that public funds are not expended on a vehicle that may be underutilized. N.J.A.C. 6A:23A-6.12(g) and (k) are not overly prescriptive. While the rules require certain approvals to the pool assignment of a vehicle or physical alterations to a vehicle, they do not limit what modifications may be approved, provided the changes are consistent with N.J.A.C. 6A:23A-6.12(b)2.

27. Comment: The commenter opposed the Department's proposed amendment at N.J.A.C. 6A:23A-6.12(h) that will increase the value at which a vehicle is determined to be a luxury vehicle from \$30,000 to \$60,000. The commenter stated that luxury vehicles start at \$50,000 and a limit of \$60,000 is a waste of tax dollars. (1)

Response: The Department disagrees. The proposed amendment will increase the value of luxury vehicles to account for inflation and to align the rule with the Federal standards used by the Internal Revenue Service for taxation purposes.

28. Comment: The commenter requested a change at N.J.A.C. 6A:23A-7.2 to require district board of education policies for travel expenditures to limit payment of travel expenses to only in-State travel. The commenter asserted that travel outside of the State is a waste of

tax dollars. (1)

Response: The Department disagrees that the rules should prohibit out-of-State travel.

N.J.A.C. 6A:23A-7.2 provides flexibility while maintaining appropriate limits to ensure that all approved travel expenditures comply with guidelines established by the New Jersey Department of the Treasury, Office of Management and Budget (OMB).

29. Comment: The commenter recommended amending N.J.A.C. 6A:23A-7.3(b)1 to increase the annual maximum travel budget per employee to \$2,500 from the existing \$1,500 limit. The commenter recommended, as an alternative, that the amount be permitted to automatically adjust based on the Consumer Price Index (CPI) or another metric. The commenter stated that the amount has not changed since the adoption of the rule and does not adjust for inflation. The commenter also stated that N.J.S.A. 18A:11-12 does not limit the maximum travel amount and leaves it to the district board of education's discretion.

(4)

Response: The Department disagrees. The maximum amount limits only the costs that do not require approval from the district board of education. Increasing the maximum amount that does not require district board of education approval could weaken internal controls and stewardship of public funds.

30. Comment: The commenter recommended that the Department amend N.J.A.C. 6A:23A-7.3(b)2 to increase the maximum registration fee not requiring district board of education approval from the existing \$150.00 to \$200.00, or eliminate the registration fee cap. The commenter stated that the amount has not changed since the adoption of the rules and does not adjust for inflation. The commenter also stated that N.J.S.A. 18A:11-12 does not limit the maximum registration fee and leaves it to the district board of education's discretion. (4)

Response: The Department disagrees. District boards of education can approve payment for registration fees that exceed the maximum amount; the maximum limits only the costs that do not require district board of education approval. Increasing the maximum amount that does not require district board of education approval could weaken internal controls and stewardship of public funds.

31. Comment: The commenter requested that the Department amend N.J.A.C. 6A:23A-7.7(b), which provides a penalty for a person who approves a travel request or payment in violation of the school district's travel policy, to provide clarity and to place the onus on the party who knowingly violates the requirements. (4)

Response: The Department disagrees. Existing N.J.A.C. 6A:23A-7.7(b) mirrors the authorizing statute at N.J.S.A. 18A:11-12.s by applying a penalty to the person who approves unauthorized payments. N.J.A.C. 6A:23A-7.7(c) applies to the person who travels in violation of the school district's travel policy or N.J.A.C. 6A:23A-7. The person authorized to approve travel requests must be aware of the district board of education policy prior to approving requests.

32. Comment: The commenter requests that the Department amend N.J.A.C. 6A:23A-7.7(c) to insert "intentionally" before "travels in violation of" to distinguish between intentional and accidental violations. (4)

Response: The Department disagrees that the recommended change is necessary.

Travelers are responsible for knowing and following district board of education travel policies, and the existing rule mirrors N.J.S.A. 18:11-12.s.

33. Comment: The commenter recommended that N.J.A.C. 6A:23A-7.8(a) be deleted. The commenter stated that education or professional development of any kind related to job

functions should be considered valuable and that the school district is in the best position to make that determination on a case-by-case basis. (4)

Response: The Department disagrees. The existing rule prohibits reimbursement for travel related to training necessary to maintain a certification that is not required as a condition of employment. School districts are responsible only for the costs of maintaining required certifications.

34. Comment: The commenter recommended deleting N.J.A.C. 6A:23A-7.9(c)2ii and 3ii and iii because existing N.J.A.C. 6A:23A-7.9(c)2i and 3i require the most economical scheduling of air and rail travel. (4)

Response: The Department disagrees. N.J.A.C. 6A:23A-7.9(c)2ii and 3ii and iii clarify procedures to ensure that school districts use the most economical travel methods for air and rail travel.

35. Comment: The commenter requested that the Department amend N.J.A.C. 6A:23A-7.11(d) to reduce the mileage limitation on subsistence reimbursement for overnight travel from 50 miles to 10 miles or to delete the limitation all together. The commenter stated that the rule is overreaching and does not reflect the spirit of State law. The commenter also stated that N.J.S.A. 18A:11-12 relies on the establishment of district board of education's travel policies to manage travel expenses. The commenter further stated that requiring attendees to leave local conferences reduces the conferences' impact by limiting the chance for attendees to interact outside the official conference hours. The commenter also stated that municipal employees have no equivalent restriction on overnight conferences. (4)

Response: The Department disagrees that N.J.A.C. 6A:23A-7.11 should be amended to

eliminate the 50-mile threshold for reimbursement of overnight travel stays for conference and training or to reduce the threshold to 10 miles. Pursuant to N.J.S.A. 18A:11-12.c(3), a district board of education's travel policies and procedures must comply with State travel payment guidelines as established by the Department of the Treasury. Section X of [OMB Circular 20-04-OMB](#) provides that "no allowance for lodging or meals is permitted for in-State travel." However, the circular authorizes the Commissioner to grant waivers for overnight travel for district board of education members and school district employees to attend in-State conferences pursuant to Department-issued guidelines. Therefore, the 50-mile threshold is reasonable as it provides school districts with more flexibility than otherwise required by the Department of the Treasury.

36. Comment: The commenter requested that the mileage limitation on subsistence reimbursement for overnight travel at N.J.A.C. 6A:23A-7.11(d) be deleted. The commenter stated that other rules at N.J.A.C. 6A:23A-7.11, such as requiring the Commissioner to grant waivers to make an overnight conference eligible for overnight travel reimbursement and setting the maximum reimbursement rates for overnight accommodations, provide sufficient safeguards. The commenter stated that, in many instances, depending on where district board of education members live and the conference location, some district board of education members may be eligible for reimbursement of overnight accommodations and others may not be eligible. (5)

Response: The Department disagrees that N.J.A.C. 6A:23A-7.11 should be amended to eliminate the 50-mile threshold for reimbursement of overnight travel stays for conference and training. Pursuant to N.J.S.A. 18A:11-12.c(3), a district board of education's travel policies and procedures must comply with State travel payment

guidelines as established by the Department of the Treasury. Section X of [OMB Circular 20-04-OMB](#) provides that “no allowance for lodging or meals is permitted for in-State travel.” However, the circular authorizes the Commissioner to grant waivers for overnight travel for district board of education members and school district employees to attend in-State conferences pursuant to Department-issued guidelines. Therefore, the 50-mile threshold is reasonable as it provides school districts with more flexibility than otherwise required by the Department of the Treasury.

37. Comment: The commenter requested that the Department amend N.J.A.C. 6A:23A-7.11(e) to permit district board of education policies to determine if an overnight stay prior to the start of conferences is appropriate. The commenter stated that conferences can begin early in the morning and it may be difficult to arrive on time if an attendee is not allowed to travel the day before. (4)

Response: The Department disagrees. The Department is not aware of any conference that begins prior to the typical beginning of the business day. Given that an individual would be eligible for reimbursement of the cost of an overnight stay for a conference that requires the individual to commute more than 50 miles, the existing rule represents a reasonable balance that allows individuals to pursue professional development opportunities while also considering the efficient use of public funds.

38. Comment: The commenter requested that the Department amend N.J.A.C. 6A:23A-7.12(c) to allow reimbursement for lunch at offsite training to equal the Federal per diem or OMB limits rather than the existing \$7.00 per person. The commenter stated that this change will index the reimbursement to current economic conditions and not a static dollar amount. The commenter also stated that N.J.S.A. 18A:11-12 references OMB



guidelines as opposed to specific and static amounts. (4)

Response: The Department disagrees. The applicability at N.J.A.C. 6A:23A-7.12(c) is narrow in scope. It applies only when an individual must remain offsite and there are no viable options for lunch at the offsite location. The existing rule provides a reasonable balance between the need to allow for a meal reimbursement when specific situations necessitate it and managing public funds.

39. Comment: The commenter requested that the Department amend N.J.A.C. 6A:23A-7.12(e) and (f)4 to allow reimbursements to equal the Federal per diem or OMB limits rather than the existing \$10.00 for an official luncheon or district board of education meeting or \$15.00 for an official dinner. The commenter stated that this change will index the reimbursement to current economic conditions and not a static dollar amount. (4)

Response: The Department disagrees. N.J.A.C. 6A:23A-7.12(e) and (f)4 do not refer to the cost of an individual's meal. Rather, the limits included in the rules reflect the average cost of a meal provided to a group. Using either the Federal per diem or OMB limits in this context would allow meal options that would be unreasonable when public funds are involved.

40. Comment: The commenter requested that N.J.A.C. 6A:23A-7.12(f)5 be deleted because most charities will not accept food that is opened. The commenter stated that the rule is overly prescriptive and is not practical, efficient, or safe. (4)

Response: The Department disagrees. N.J.A.C. 6A:23A-7.12(f)5, which requires the school district to purchase or prepare food that is sufficient to provide one meal for each district board of education member and other specified individuals, provides sufficient flexibility. The existing rule states that unintended leftover food "should be donated" to a

charitable shelter or similar facility, “if at all possible,” rather than requiring leftovers to be donated.

41. Comment: The commenter requested that N.J.A.C. 6A:23A-9.3(c) be deleted. The commenter stated that the two percent levy cap is sufficient to require school districts to engage in reviewing all costs to search for the most efficient use of public funds. The commenter stated that the decision on how to best use the funds should be left to local control and that school districts need additional flexibility in this area. (5)

Response: The Department disagrees. Even within the context of a two percent tax levy growth limitation, the Department must remain diligent with respect to how available funds are allocated. Additionally, the existing rule identifies items that are to be considered by the executive county superintendent but does not establish mandates with which school districts must comply.

42. Comment: The commenter requested that N.J.A.C. 6A:23A-9.3(c)3 be amended to match the National Center for Educational Statistics (NCES) proposed standards of one custodian for every 20,000 square feet for an eight-hour shift. The commenter stated that the NCES proposed standards distinguish between service or day custodians and production or evening custodians. The commenter also stated that the NCES standards applies the square footage standard to only evening custodians. The commenter further stated that the current 17,500 square feet per custodian is appropriate for evening custodians. The commenter also requested that the Department amend the rule to exempt day custodians from the limit when the school district employs evening custodians. (4)

Response: The Department disagrees. If the Department were to adopt the NCES standards and exempt day custodians, then day custodians would not be subject to any standard. The

Department maintains that it is in the overall best interest of both school districts and the general public to maintain the current standard, which applies to all custodians.

43. Comment: The commenter requested that the Department delete N.J.A.C. 6A:23A-9.3(c)6 because it is no longer applicable since the State Health Benefits Plan limits waivers for participating school districts to no more than \$5,000. (4)

Response: The Department disagrees. N.J.A.C. 6A:23A-9.3 generally addresses matters that the executive county superintendent must consider during their review of administrative and non-instructional expenditures and efficient business practices. The rule permits a school district to provide compensation to an employee waiving participation in the State Health Benefits Plan up to and including the amount established at N.J.S.A. 52:14-17.31a.c, which is set at a maximum of \$5,000.

44. Comment: The commenter requested that the Department delete N.J.A.C. 6A:23A-9.3(c)14. The commenter stated that school districts are constrained by the tax levy limitation. The commenter also stated that varying school district sizes and configurations make general standards inappropriate and decisions regarding public relations should be left to school districts. (4)

Response: The Department disagrees. Even in the presence of the two percent tax levy growth limitation, in the absence of more specific rule regarding the use of available funds, it is plausible that a school district could expend excessively high amounts on items such as public relations, thereby depriving more critical areas, such as classroom instruction, of needed resources.

45. Comment: The commenters stated that the existing N.J.A.C. 6A:23A-9.3(c)14 is outdated and does not reflect the needs of school districts. The commenters also stated that school

districts are required to communicate regularly with their stakeholders and superintendents cannot perform all of the necessary communications. The commenters stated that school districts need a dedicated public relations position to meet their communication needs, which include, among other things, notifications to parents, crisis communication, websites, social media, information about recruitment, registration, school events, bond referendums, and policy and statute changes, as well as education news. The commenters stated that since school districts are required to have a public information officer as part of their emergency management plans and, therefore, the existing rule should be replaced with language that permits the creation of a dedicated public relations position.

The commenters requested that the Department delete existing N.J.A.C. 6A:23A-9.3(c)14 and, instead, adopt the following language to allow school districts to include a dedicated public relations position in the school district's budget: "Public school districts have an ongoing obligation to disseminate information to their employees, board of education members, parents, students and the community in a timely and effective manner. To meet the increased need for effective and equitable communications, duties may be shared between the superintendent, business administrator, and public information officer or other designee. Public information includes, but is not limited to, information about student and staff achievements, school district operations, transportation, curriculum, testing, public health, crisis communications, budget updates and relevant community news that directly impacts employees or students enrolled in the district. The public information officer shall determine the most equitable and accessible method for communication, which may include website, intranet, social media, email, student information system, emergency notification system, print, and local news sources.

In addition, the public information officer shall maintain relations with local media and with critical local, county, and State officials.” (3)

Response: The Department disagrees. While the Department is cognizant of school districts’ needs to provide information to the broader community in a timely manner, the existing rules acknowledge that immediate community notification on any given matter is not required on a daily basis and likely would not require the level of dedicated public information correspondence suggested. Moreover, the definition of public relations at N.J.A.C. 6A:23A-9.3(c)14 excludes crisis communications and school operations.

46. Comment: The commenter requested that the Department amend N.J.A.C. 6A:23A-9.11(b) to increase flexibility regarding the existing \$5,000 threshold for certain audited account payables and encumbrances that must be reviewed by the executive county superintendent or State monitor. The commenter stated that the amount should be \$5,000 or the bid threshold, whichever is greater. (4)

Response: The Department disagrees. Increasing the threshold necessary to prompt a more detailed review by the executive county superintendent would increase the likelihood that problematic situations could be overlooked. The existing threshold increases the likelihood that a school district or the Department is able to identify and remedy a problematic situation as soon as possible.

47. Comment: The commenter requested that the Department amend N.J.A.C. 6A:23A-14.4(a)1 to reflect changes at N.J.S.A. 18A:7F-41 that permit the use of emergency reserves for the purpose of improving school security. The commenter stated that “improvement” should be interpreted broadly enough to ensure the safety of students and staff. The commenter also stated that school districts are facing unprecedented cost increases for safety and security and

that the suggested change would help school districts set aside funds rather than reallocating expenses from other areas. (4)

Response: The Department disagrees. The rule, now recodified at N.J.A.C. 6A:23A-14.3(a)1, is being amended to align with, and refer to, the definition of “school security improvements” at N.J.S.A. 18A:7F-41.c(1). Therefore, “school security improvements” is to be interpreted as broadly as it is in the statute without needing further clarification in the rulemaking.

48. Comment: The commenter stated that the current practice of limiting tuition reserves spending at N.J.A.C. 6A:23A-14.4(a)3 to school districts with a send/receive relationship should be expanded to permit the use of tuition reserves in all tuition situations, including county vocational school districts, charter schools, approved private schools for students with disabilities, and regular school districts’ anticipated adjustments. (4)

49. Comment: The commenter stated that school districts should be permitted to establish additional reserve accounts, such as a transportation reserve, and should be permitted to transfer money between reserve accounts with district board of education and executive county superintendent approval. (4)

Response to Comments 48 and 49: The Department disagrees. Reserves are established for specific purposes to be withdrawn for specific uses according to statute, and the district board of education would have approved prior deposits into reserves to put money aside for purposes such as tuition and capital and maintenance expenses. Statutory definitions for the uses of the reserves do not include transfers to other reserves as allowable uses. Additionally, school districts are also allowed to maintain a general fund surplus that may be used to support unanticipated expenses for which a specific reserve has not been authorized.

50. Comment: The commenter stated that the entire district board of education should be required to vote on every expenditure of \$1,000 or more. (1)

Response: The Department disagrees. While some individual line items are voted on separately, each district board of education is ultimately required to approve the school district's budget as a whole. Further, the school district publishes the budget for public review and comment prior to its approval by the district board of education. Further, the executive county superintendent reviews and approves each school district's budget after adoption by the district board of education. In addition, N.J.A.C. 6A:23A-13.3 addresses county office review of budget transfers in excess of 10 percent of the advertised balances, and N.J.A.C. 6A:23A-16.10 sets forth rules regarding budgetary controls and prohibition of over-expenditure of funds. Each of these steps acts as a safeguard to ensure proper review of school district budgets.

51. Comment: The commenter stated that school districts are required to verify a student's residency prior to the student enrolling in a charter school. The commenter also stated that some school districts make it extremely difficult for students to complete the transfer process and/or place onerous requirements on parents seeking to enroll students in charter schools to discourage and/or delay the transfer. The commenter stated the education community must consider how to make accessible the student's chosen learning environment. The commenter stated that school districts and charter schools should work together to verify registration. The commenter requested a change at N.J.A.C. 6A:23A-15.3(a) to add "in accordance with N.J.A.C. 6A:22-2.1(c)" in the second sentence after the requirement for a district board of education to process the resident student's registration for the subsequent school year. The commenter also requested a change to add a requirement for a school district to complete the verification process within 10 days of

receipt of the charter school registration forms. (2)

Response: The Department disagrees with the commenter's proposed change at N.J.A.C. 6A:23A-15.3(a). Adding a cross reference is not needed to clarify the school district's obligation to process registrations for students attending charter schools in the same manner that the school district processes registrations for students attending traditional public schools. In accordance with N.J.A.C. 6A:22-2.1(c), a school district is required to apply policies for determining a student's residency consistently for all students, including students who attend charter schools. There are no time limits for registrations for students attending traditional schools; therefore, there cannot be a time limit for processing registrations for students attending charter schools. Further, in the Department's experience, most delays in processing registrations are the result of parents/guardians failing to provide the proper documentation to school districts. Adding the change suggested by the commenter could have the unintended consequence of allowing a school district to deny registration for a charter school student while allowing a student seeking to register in a traditional school to cure the defects in the student's application.

52. Comment: The commenter stated that, when a residency dispute arises involving a charter school student, some school districts have unilaterally discontinued funding to the charter school. The commenter also stated that unilaterally discontinuing funding conflicts with N.J.A.C. 6A:22, which prohibits school districts from disenrolling students while a residency dispute is pending. The commenter further stated that, if a student enrolls or the student's enrollment status changes after the October 15 enrollment count, the school district and charter school do not receive the proper funding. The commenter asserted that this prevents charter schools from providing the services that students need.

The commenter requested that the Department amend N.J.A.C. 6A:23A-15.3 to



add language that requires subsequent enrollment adjustments to include additional funding for students who are classified for specialized services or found to be multilingual learners after the October 15 deadline. The commenter requested that the Department amend N.J.A.C. 6A:23A-15.3(g)3i to add “attributable to each student.”

The commenter also requested that the following language be added to the end of N.J.A.C. 6A:23A-15.3(g)5 to clarify that the school district must continue to transfer funds to the charter school until the residency dispute is fully resolved: “and the associated per pupil funding and categorical aid payable to the charter school. In the case where a student has submitted registration forms to a school district and the school district’s verification and confirmation of the student’s residency is pending, or the school district contests the student’s residency, the school district shall process payments to the charter school in accordance with the October 15 enrollment count conducted by the charter school until such time as the student’s registration is finalized or, in the case of a residency dispute, it is resolved in accordance with the parental safeguards and procedures in N.J.A.C. 6A:22. If a residency dispute is resolved in favor of a challenging school district, the actual district of residence shall assume fiscal responsibility for the student effective the date of such resolution.”

The commenter further requested that the Department change N.J.A.C. 6A:23A-15.3(g)5i to add “[t]he resident district shall not disapprove a student from the October 15 charter school student count or remove a registered student from the school registry who is currently enrolled in the charger school unless and until exhaustion of the procedures set forth in N.J.A.C. 6A:22-4.3.” The commenter also requested a change at N.J.A.C. 6A:23A-15.3(g)5i(2) to state “[a] final adjustment of all aid paid to the charger school by the school district shall be calculated at year-end to account for changes in the average

daily enrollment multiplied by the per pupil amount as determined in accordance with N.J.A.C. 6A:23A-15.2(b) from October 15 to the end of the school year, or in the case of a residency dispute, in accordance with N.J.A.C. 6A:23A-15.3(g).” (2)

Response: The Department declines to make the commenter’s suggested changes. While N.J.A.C. 6A:22 provides for continuity of education by prohibiting a school district from disenrolling a student during a residency dispute and a charter school must continue to enroll a student during a residency dispute, payments to the charter school are determined in accordance with N.J.S.A. 18A:36A-12. The charter school enrollment system calculates payments based on students who are registered and does not allow for approval of pending registrations.

The Department further disagrees with the commenter’s suggestions to amend N.J.A.C. 6A:23A-15.3 to require that school districts provide additional funding for detailed enrollment changes after the October enrollment count. The end-of-year adjustment provided to charter schools ensures that charter schools receive additional funding if their enrollment increases, while preventing additional funding needs from burdening the sending school districts. Further, school districts do not receive funding for students not identified in the October 15 enrollment count, which rolls over to the enrollment count for the school districts’ Application for State School Aid (ASSA).

The Department further disagrees with the commenter’s suggestions to amend N.J.A.C. 6A:23A-15.3(g)5 to modify the manner in which a resident school district makes payments to a charter school in the event of a residency dispute. If a residency dispute existed, a charter school would receive all funding due once the student’s district of residence is confirmed.

53. Comment: The commenter stated that the social impact of education is not working and that increases in school spending are burdening taxpayers. The commenter stated that students are being provided with a negative and divisive education that will not produce decent, honest students. The commenter also stated that programs should be cut. (1)  
Response: The Department disagrees. The Department recognizes public education as a common good and is required by the New Jersey State Constitution to ensure that all school districts are able to provide a thorough and efficient education.
54. Comment: The commenter stated that there is a negative economic impact because the public education system is doing a substandard job of providing students with a strong work ethic. The commenter stated that there will be a negative impact on jobs because no one will want to hire current students upon graduation. (1)  
Response: The Department disagrees. The Department recognizes public education as a common good. Data presented in the Department's annual School Performance Report consistently demonstrates that students are enrolling in courses that prepare them for post-secondary education, such as Advanced Placement and International Baccalaureate courses, as well as career and technical education courses.
55. Comment: The commenter stated that charter schools serve 62,000 students, 90 percent of whom come from the most economically disadvantaged school districts. The commenter also stated that 70 percent of students who enroll in charter schools qualify for free or reduced-price lunch. The commenter further stated that tremendous progress has been made on school funding for under-resourced communities. The commenter also stated that, since 2018, more than \$3.5 billion has been added to the "School Funding Reform Act of 2008." The commenter further stated that it is imperative to support to the

most disadvantaged communities, which provides students with the resources they need to thrive in the classroom. (2)

Response: The Department appreciates the comment. To the extent that the comment is advocating for additional State funding, it is beyond the scope of this rulemaking.

### **Federal Standards Statement**

The rules readopted with amendments and repeals are not inconsistent with, or exceed, Federal requirements or standards. The State requires school districts and county vocational school districts (CVSD) to use the Federal SEMI program. The adopted amendments at N.J.A.C. 6A:23A-5.3 ensure that the section conforms to Federal regulations and requirements. There are no other Federal standards or requirements applicable to the rules readopted with amendments and repeals.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 6A:23A-1 through 15.

**Full text** of the adopted amendments follows (addition to proposal indicated in boldface with asterisks **\*thus\***):

Subchapter 1. Purpose, Scope, and Definitions

6A:23A-1.2 Definitions

The words and terms used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

...

“Travel expenditures” means costs paid by the school district using local, State, or Federal funds, whether directly by the school district or by employee reimbursement, for travel by school district employees and district board of education members to the following five types of travel events:

1.–3. (No change from proposal.)

4. “Regular school district business travel” means all regular official business travel, including attendance at meetings, conferences, and any other gatherings that are not covered by the definitions at paragraphs 1, 2, and 3 above. Regular school district business travel also includes attendance at regularly scheduled in-State county meetings and Department-sponsored or association-sponsored events provided free of charge and regularly scheduled in-State professional development activities with a registration fee that does not exceed \$150.00 per employee or district board of education member. Beginning in 2009-2010, the \$150.00 limit per employee or district board of education member may be adjusted by inflation **\*using annual increases in the New Jersey CPI\***; and
5. (No change from proposal.)

...