



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

JON S. CORZINE  
Governor

LUCILLE E. DAVY  
Commissioner

September 17, 2008

Mr. Gerard M. Thiers  
Executive Director  
Association of Schools and Agencies for the Handicapped  
Lexington Square  
2125 Route 33  
Hamilton Square, NJ 08690

Re: Request for Waiver of Prohibition on Overnight Travel

Dear Mr. Thiers:

The New Jersey Department of Education is in receipt of the application you submitted on behalf of the ASAH for a waiver of the prohibition on overnight travel in order to facilitate a one day conference on November 14, 2008. The application indicates that there is a membership meeting on the day preceding the conference.

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*. Private schools for the disabled are also required to comply with these rules, *N.J.A.C. 6A:23-4.5(a)(35)*.

On April 17, 2008, the Department issued proposed guidance on waivers for overnight travel. See Proposed Guidance on Overnight Travel (Proposed Guidance) [http://www.state.nj.us/education/genfo/travel\\_overnight.pdf](http://www.state.nj.us/education/genfo/travel_overnight.pdf). The proposed guidance requires that in order to receive a waiver, the sponsoring organization must submit, among other things, a justification for the length of the conference and the necessity to hold events for each day beyond the second day of the conference, an explanation of the importance of the target audience attending the event, a brief report including the primary purpose of the event, key issues to be addressed and their relevance to improving instruction or the operation of a school or district,

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and a description of any continuing education requirements fulfilled by the conference. Proposed Guidance Section (b)(1). The guidance further states that the Commissioner may approve a request for a waiver "based on the strength of the application submitted considering relevance to improving instruction, school district operations or governance; relevance to the target audience; overall cost and other factors." Proposed Guidance Section (b)(2). Finally, the guidance provides that no waivers will be granted for overnight lodging for the evening prior to the start of the conference or after check out time on the last day of the event. Proposed Guidance Section (c).

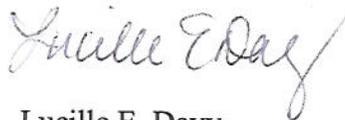
Applying these criteria to your application, the Department finds that the ASAH conference takes place on one day—November 14, 2008. Because waivers will not be granted for reimbursement of lodging prior to the first day of the event, your application for a waiver is denied.

In addition, please note that the Department recently issued revised guidance for the approval of waivers for overnight lodging to attend in-State conferences. See Revised Guidance at [http://www.nj.gov/education/genfo/travel\\_overnight\\_rev.pdf](http://www.nj.gov/education/genfo/travel_overnight_rev.pdf). These guidelines will become effective January 1, 2009. Under the revised guidance, waivers of the overnight travel prohibition will 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. 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.

Finally, I want to emphasize that although the waiver request is denied, I recognize the value and importance of the work performed by ASAH. However, as I am sure 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.

Thank you for your attention to this matter.

Sincerely,



Lucille E. Davy  
Commissioner of Education

LED/DA/gm/travel\_asah  
c: Executive County Superintendents  
Senior Staff