



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

JON S. CORZINE
Governor

LUCILLE E. DAVY
Commissioner

October 8, 2008

Ellen O'Connor, Ed.D, President
NJAFPA
Bayonne School District
669 Avenue A
Bayonne, NJ 07002

Re: Request for Waiver of Prohibition on Overnight Travel

Dear Dr. O'Connor:

The New Jersey Department of Education is in receipt of the application you submitted on behalf of the New Jersey Association of Federal Program Administrators for a waiver of the prohibition on overnight travel in order to facilitate one-day conferences on December 5, 2008 and December 10, 2008, and a three day conference on May 26-28, 2009.

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. The proposed guidelines provides, among other things, 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).

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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 are posted on the Department's web site at http://www.state.nj.us/education/genfo/travel_overnight_rev.pdf. After taking into account the hardships that might be encountered by organizations with conferences scheduled to take place within the next few months, the Department decided to delay implementation of the revised guidelines until January 1, 2009. The Department believes that organizations with conferences scheduled after January 1 will have ample time to make necessary adjustments to the agenda. Therefore, the revised guidelines will apply to all conferences scheduled to take place after January 1, 2009, including your request for a three-day conference in the spring.

The revised guidelines maintain the prohibition on waivers 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, under the revised guidelines, 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.

Applying these criteria to your application, the Department finds that the two, one-day conferences are not eligible for overnight lodging, as both the proposed and revised guidelines preclude reimbursement for overnight lodging for the evening prior to the start of the event. With respect to the three-day conference in May, 2009, you submitted the agenda from the 2008 conference and indicated that the 2009 conference agenda, while not yet finalized, would be similar to that of 2008. After carefully reviewing the submissions, the Department finds that the spring conference does not meet the criteria of the revised guidelines. Based on a review of the 2008 agenda, the Department finds that the NJAFPA conference is narrow in scope and lacks the breadth of content necessary to justify that it be held on multiple consecutive days with overnight lodging in order for individuals to benefit from the conference's offerings. Moreover, since the 2009 agenda has not yet been finalized, it may be possible for NJAFPA to restructure the conference so that it can take place in a single day. Therefore, your request for a waiver of the overnight travel prohibition is denied.

It is important to note, however, that denial of your waiver request does not mean that you cannot hold a multi-day conference. Rather, it prohibits districts from reimbursing school board members and district employees for *overnight lodging* in connection with your conference. The conference can still proceed, provided that the attendees do not seek reimbursement for such lodging. Reimbursement for registration fees, mileage and meals, subject to the limitations and conditions set forth in *OMB Circular 08-19* and *OMB Circular 06-14*, may be permissible.

Finally, I want to emphasize that although the waiver request is denied, I recognize the value and importance of the work performed by NJAFPA. 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. I encourage you and your organization to consider alternative means of providing this professional development, such as holding one day or regional events.

Thank you for your attention to this matter.

Sincerely,



Lucille E. Davy
Commissioner of Education

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