



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

JON S. CORZINE
Governor

LUCILLE E. DAVY
Commissioner

October 21, 2008

Mr. Jon Gaspich
President, ASAP-NJ
P.O. Box 373
West Orange, NJ 07052

Re: Request for Waiver of Prohibition on Overnight Travel

Dear Mr. Gaspich:

The New Jersey Department of Education is in receipt of the application you submitted on behalf of the Association of Student Assistance Professionals of New Jersey (ASAP-NJ) for a waiver of the prohibition on overnight travel in order to facilitate a two-day conference on February 5-6, 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. 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.

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Pursuant to the revised guidelines, 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 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.

In connection with your waiver application, you submitted a draft agenda for the 2009 conference. After carefully reviewing the submissions, the Department finds that the ASAP-NJ conference does not meet the criteria of the revised guidelines. Based on a review of the draft agenda, the Department finds that the ASAP-NJ 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. 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; 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 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 ASAP-NJ. 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 to minimize the need for overnight stays, such as holding one day or regional events.

Thank you for your attention to this matter.

Sincerely,



Lucille E. Davy
Commissioner

LED/DA/gm/Travel_ASAP-NJ
c: Executive County Superintendents
Senior Staff