



State of New Jersey

DEPARTMENT OF EDUCATION

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June 25, 2013

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER D. CERF
Commissioner

Ms. Arlen Kimmelman
2013 Conference Chair
New Jersey Association of School Librarians
17 Filly Way
Sewell, New Jersey 08080

Dear Ms. Kimmelman:

The New Jersey Department of Education is in receipt of your letter submitted on behalf of the New Jersey Association of School Librarians, requesting a waiver of the prohibition on in-State overnight travel in order to facilitate the hosting of the Annual Fall Conference planned for October 4 and 5, 2013 in Lawrenceville, 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 in scope and comprised of content-rich educational programming with

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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.

I note that there is a change in the conference structure as compared with prior fall conferences sponsored by the New Jersey Association of School Librarians. In prior years, the waiver request was approved for a one-night stay in between the two full days of programming which followed an evening of pre-conference events. My response letter dated September 24, 2012 explained that the pre-conference membership meeting and awards along with a keynote address was considered a special ticketed event and was not part of the conference programming and thus, did not meet the eligibility for a waiver on overnight travel. The 2013 conference is a single full day of programming following an evening of pre-conference events for which there is a separate registration fee.

After carefully reviewing your 2013 submission, the Department denies the waiver request because the overnight stay is applicable only to the evening comprised of pre-conference events. *N.J.A.C. 6A:23A-7.11(e)* prohibits subsistence reimbursement including lodging, meals and incidental expenses if travel is on the day prior to the start of the conference.

It is important to note that denial of your waiver request does not mean that the New Jersey Association of School Librarians cannot hold the conference as structured. Rather, the denial prohibits school districts and charter schools from reimbursing school board members and district and charter school employees for *overnight lodging, meals, and incidental expenses* in connection with your conference. The conference can still proceed; however, school districts and charter schools may not reimburse attendees for subsistence expenses incurred in relation to conference attendance (*N.J.A.C. 6A:23A-7.11(a)*). Reimbursement for registration fees and mileage, 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 New Jersey Association of School Librarians provides to New Jersey's public schools.

Sincerely,



Susana Guerrero
Acting Commissioner

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c: Christopher D. Cerf

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