



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

JON S. CORZINE
Governor

LUCILLE E. DAVY
Commissioner

April 8, 2009

Janina J. Kusielewicz, President
NJTESOL/NJBE
97 Poplar Avenue
Hackensack, NJ 07601

Re: Request for Waiver of Prohibition on Overnight Travel

Dear Ms. Kusielewicz:

The New Jersey Department of Education is in receipt of the application you submitted on behalf of the New Jersey Teachers of English to Speakers of Other Languages/New Jersey Bilingual Educators (NJTESOL/NJBE) for a waiver of the prohibition on overnight travel in order to facilitate the hosting of your Spring Conference 2009, which is a two day conference scheduled for May 19 and 20, 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 were incorporated into regulations adopted on December 18, 2008 at N.J.A.C. 6A:23A-7.11 and 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 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 multi-disciplinary in scope, incorporates content offerings from numerous specialty areas, and includes important professional development opportunities and/or required training. In addition, the sponsoring organization must demonstrate that the conference's content, structure, and anticipated attendance necessitate that it be held on multiple consecutive days with overnight lodging.

In connection with your waiver application, you submitted a list of keynote speakers and a document entitled Spring Conference 2009 Highlights. While the list of speakers your organization has secured is noteworthy, the Department finds that this conference agenda 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. For these reasons, 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 the New Jersey Teachers of English to Speakers of Other Languages/New Jersey Bilingual Educators Association. 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/klm/S:Travel_NJTESOL-NJBE.doc
c: Executive County Superintendents
Senior Staff