



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

JON S. CORZINE  
Governor

LUCILLE E. DAVY  
Commissioner

September 22, 2009

Sandra S. Buleza  
Nancy Evans Bennett  
Executive Co-Chairs  
New Jersey Science Convention  
9 Coventry Circle  
Belvidere, NJ 07823-3212

Re: Request for Waiver of Prohibition on Overnight Travel

Dear Ms. Buleza and Ms. Bennett:

The New Jersey Department of Education is in receipt of the application you submitted on behalf of both the New Jersey Science Education Leadership Association (NJSELA) and the New Jersey Science Teachers Association (NJSTA) for a waiver of the prohibition on overnight travel in order to facilitate the hosting of the Thirty-Third Annual New Jersey Science Convention, which both organizations are co-sponsoring. This two-day convention is to be held on October 13 and 14, 2009 at the Garden State Exhibit Center in Somerset, 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 ...." 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](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.

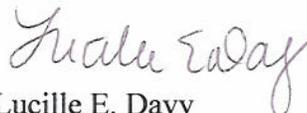
In connection with your waiver application, you submitted a program booklet for this conference. After carefully reviewing your submission, the Department finds that this Conference does not meet the criteria of the regulations. Based on a review of your letter and program booklet, the Department finds that the content, structure and anticipated attendance of the Thirty-Third Annual New Jersey Science Convention is such that it does not require that it be held on multiple consecutive days with overnight lodging in order for individuals to benefit from the conference's offerings. For this reason, 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 both the NJSELA and the NJSTA. 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 both you and your respective organizations 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/KM/NJSELA & NJSTA Travel Waiver.doc  
c: Executive County Superintendents  
Senior Staff