



New Jersey School Boards Association

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This document is for informational purposes only.
Please consult your board attorney for legal advice.**

Examples: SPECIFIC TRAVEL EVENTS

On March 17, 2008 Commissioner Davy issued a letter, referred to herein as the March 17 [Travel Regulation Memo](#), addressing the application of [Circular 08-19-OMB](#) (superceding 08-13- OMB) and [Circular 06-14-OMB](#) to school district travel under the School District [Accountability Act](#).

The examples below are an effort to apply the Commissioner’s guidance to a series of travel requests that might be anticipated. For a more detailed overview of all of the provisions, please see NJSBA’s [Travel FAQ](#).

The examples below assume that the board member or employee has otherwise followed district policy for requesting payment/reimbursement, including obtaining prior approval, itemization and documentation. The examples also assume that the particular travel is educationally necessary, fiscally prudent, related to and within the scope of the employee's or board member's current responsibilities or the school district's professional development plan; is critical to the instructional needs of the school district or furthers the efficient operation of the school district; and is in compliance with law and State and federal guidelines.

Please note that your board policy may be more restrictive than these examples, and where the board policy does not permit reimbursement, the policy must be followed.

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TRAVEL BY BOARD MEMBERS

1. Can a board pay for the cost of a board member’s attendance at the one-day State statutorily required training provided by NJSBA?

Yes. The Commissioner of Education’s March 17, 2008 Travel Regulation Memo discusses the application of travel payment guidelines established by the New Jersey Department of Treasury, to school board members and employees.

The School District Accountability Act requires that board members attend training in the first, second and third years of their first term, as well as in the first year of any subsequent term should the board member be reelected or reappointed. N.J.S.A. 18A:12-33. NJSBA will structure its statutorily-required training programs so that the board is permitted to pay for the entire cost of attending.

The Commissioner’s memo states that “(r)egistration and conference fees are not subject to the federal per diem rate cap.” Thus the local board is permitted to pay for registration fees.

Traditionally, NJSBA registration fees included the cost of lunch. NJSBA is seeking clarification of whether, where a meal is provided as part of the registration fee, the board may absorb the entire cost of registration including meals.

If the board may not reimburse the cost of the meal as an integral part of the registration fee, then reimbursement for meals at required NJSBA training will be subject to the conditions and dollar amount set forth in the Commissioner’s Travel Regulation Memo. The Memo states that “(l)unch for training sessions and retreats may be authorized for an amount up to \$7 per person...” NJSBA will provide meals that are within the reimbursable amount. Although a board is generally prohibited from paying for meals for one-day trips that do not require overnight lodging, there are a few exceptions to this prohibition set forth in Circular 08-19-OMB and in the Commissioner of Education’s March 17, 2008 Travel Regulation Memo, including an exception for training sessions.

The Travel Regulation Memo permits this \$7 per person reimbursement for lunch “only when it is necessary that employees or board members remain at a site other than their school district. Refreshments for breaks may be provided. ...this is only allowed if the training is not in the school district and there are no viable options for lunch at the off-site location.” As NJSBA training programs include a working meal period during which

attendees are requested to remain on site, these training programs meet the conditions for reimbursement. NJSBA is investigating those limited circumstances where the site of the training is a school within which the board member serves.

With regard to reimbursement for breakfast and dinner where the programs take place during those times of day, the Commissioner's letter is silent as to reimbursement. NJSBA believes it is reasonable to infer that reimbursement of \$5 per person for breakfast, and reimbursement of \$10 per person for dinner, would be authorized for training sessions that take place during breakfast and dinner hours, respectively. It is logical to infer that these amounts would be reimbursable for training, as they are the same amounts approved for reimbursement in the Commissioner's memo for one-day out-of-state trips for school business purposes. NJSBA is seeking confirmation of this interpretation from the Commissioner.

Board members may also be reimbursed for mileage and other transportation expenses permitted under the school district's policy and in accordance with State and federal guidelines

Boards enjoy some special flexibility with regard to approval of statutorily training. Under a provision of the School District Accountability Act, N.J.S.A. 18A:11-12(m), a board of education may through policy, exclude statutorily required training from the requirements of prior school board approval. Therefore, a board member is not required to seek prior board approval for a request to attend required training, if the board has adopted a policy to that effect.

2. Can a board pay for the cost of a board member's attendance at the weekend New Board Member Orientation training provided by NJSBA at the Wyndham Princeton Forrestal Hotel & Conference Center on June 6-8, 2008?

Yes. The Commissioner of Education's March 17, 2008 Travel Regulation Memo indicates that "School board members and school district employees may attend in-state conferences and receive reimbursement for lodging and meal costs if a contract with the conference sponsor was executed as of the date of this memo, for a conference that will take place on or before September 1, 2008." NJSBA has learned through communications with the Commissioner's office that the existence of a "contract" between NJSBA and the conference facility satisfies that condition.

Therefore, because prior to March 17, 2008 the NJSBA had entered into a contract with a facility to provide the June overnight Orientation Conference, and because the June training takes place before September 1, 2008, a board may pay for the board member's attendance at the June conference, including lodging and meals. If NJSBA did not have such a contract, the board would not be able to pay for any of the training program.

The board member may be reimbursed for the entire cost of the hotel. The federal per diem will not apply to the lodging because for the June Orientation, the Wyndham Princeton Forrestal Hotel & Conference Center is the site of the conference. The DOE

Guidance states, “reimbursement for overnight travel for conferences may exceed the federal per diem rates if the hotel is the site of the convention or conference and the going rate of the hotel is in excess of the federal per diem.”

The board may also absorb the entire registration/ conference fee for the Orientation Conference. The Commissioner of Education’s March 17, 2008 Travel Regulation Memo states, “Registration and conference fees are not subject to the federal per diem rate cap.” The meal is included as an integral part of the registration fee.

Board members may also be reimbursed for mileage and other transportation expenses permitted under the school district’s policy and in accordance with State and federal guidelines.

Boards should bear in mind that under a provision of the School District Accountability Act, N.J.S.A. 18A:11-12(m), a board of education may through policy, exclude statutorily required training from the requirements of prior school board approval. Therefore, a board member is not required to seek prior board approval for a request to attend required training, if the board has adopted a policy to that effect.

3. Can a board pay for the cost of a board member’s attendance at weekend Orientation or other overnight training programs in state that take place after September 1?

It depends on whether a waiver has been obtained with respect to the particular program. While Circular 08-19-OMB eliminates reimbursement for overnight travel in state, it was reissued to authorize the Commissioner of Education to grant waivers to board members and employees, and to develop related guidelines. Reimbursement for any overnight conferences in state that take place after September 1, 2008, will not be permitted unless the Commissioner of Education grants a waiver to the general rule prohibiting reimbursement. The Department of Education is in the process of writing regulations that will describe the process for requesting a waiver. The regulations will be effective September 1.

4. Can a board provide meals at board meetings and reimburse board members for their transportation to the board meeting?

Yes. At board meetings the board may pay for “light meals and refreshments for board members not to exceed \$10.00 per person” according to the Commissioner of Education’s March 17, 2008 Travel Regulation Memo. Light meals may also be served to employees who are required to attend the meeting and where the employee is required to remain at the district to prepare for the meeting.

Board members may also be reimbursed for mileage and other transportation expenses permitted under the school district’s policy and in accordance with State and federal guidelines.

5. Can a board pay for the cost of a board member's attendance at a County School Boards Association (CSBA) meeting/program?

County School Board Associations recently changed their operating procedures and are no longer collecting dues or providing student scholarships. Therefore, most CSBAs currently have a balance in their accounts and are using their accumulated funds to absorb the cost of board member attendance at county meetings. However, once a CSBA has exhausted its funds, local boards of education will need to address whether they may reimburse the board member for attendance at monthly meetings.

County School Board Association meetings would appear to fall under the guidelines for conventions and conferences under the definition set forth in the School District Accountability Act, N.J.S.A. 18A:11-12 (general programs, sponsored by professional associations on a regular basis, which address subjects of particular interest to a school district or are convened to conduct association business, to reinforce skills and knowledge and which may include some training.) A local board is permitted to pay for registration/conference fees without regard to the federal per diem cap as stated in the Commissioner's Memo. Traditionally, the registration fees for county programs included the cost of a meal. NJSBA is seeking clarification of whether a meal may be reimbursed as an integral part of the registration fee.

Alternatively, county programs could be considered training programs because they include a training component. For example, recent topics presented at county meetings include Crisis Management, District Accountability Act, School Finance, Negotiations, School Construction.

If the board may not reimburse the cost of the meal as an integral part of the registration fee, then reimbursement for meals at the county program will likely be subject to the conditions and dollar amount set forth in the Commissioner's [Travel Regulation Memo](#), and described below.

A board is generally prohibited from paying for meals for one-day trips that do not require overnight lodging, but one of the exceptions to this prohibition set forth in Circular 08-19-OMB and in the Commissioner of Education's March 17, 2008 Travel Regulation Memo, is for training sessions. The Memo states that "(l)unch for training sessions and retreats may be authorized for an amount up to \$7 per person..."

The Travel Regulation Memo permits the \$7 per person reimbursement for lunch "only when it is necessary that employees or board members remain at a site other than their school district. Refreshments for breaks may be provided. ...this is only allowed if the training is not in the school district and there are no viable options for lunch at the off-site location." As CSBA training programs include a working meal period during which attendees are requested to remain on site, these training programs meet the conditions for

reimbursement. NJSBA is investigating those limited circumstances where the site of the training is a school within which the board member serves.

With regard to reimbursement for breakfast and dinner where the programs take place during those times of day, the Commissioner's letter is silent as to reimbursement. NJSBA believes it is reasonable to infer that reimbursement of \$5 per person for breakfast, and reimbursement of \$10 per person for dinner, would be authorized for in state CSBA training sessions that take place during breakfast and dinner hours, respectively. It is logical to infer that these amounts would be reimbursable for training, as they are the same amounts approved for reimbursement in the Commissioner's memo for one-day out of state trips for school business purposes. NJSBA is seeking confirmation of this interpretation from the Commissioner.

Should meals not be reimburseable as an integral part of the registration fee, it is anticipated that the CSBAs will provide meals within the permitted reimburseable amounts so that boards may fully reimburse board members for their attendance.

Board members may also be reimbursed for mileage and other transportation expenses permitted under the school district's policy and in accordance with State and federal guidelines.

6. Can a board pay for the cost of a board member's attendance at a one-day out-of-state conference such as the annual Special Education Conference held on the Lehigh University Campus?

The [Lehigh Conference](#) is a training/educational program held in May on topics in special education. Lunch is provided to attendees of the Lehigh Conference. A local board is permitted to pay for registration/conference fees without regard to the federal per diem cap as stated in the Commissioner's [March 17, 2008 Travel Regulation Memo](#). NJSBA is seeking clarification of whether a meal may be reimbursed as an integral part of the registration fee.

If the board may not reimburse the cost of the meal as an integral part of the registration fee, then reimbursement for meals at out-of-state training programs will be subject to the per diem amounts for the particular time and location, as set forth in OMB [Circular 08-19-OMB](#) and [Circular 06-14-OMB](#). Alternatively, the reimbursement may be further limited by the [March 17, 2008 Travel Regulation Memo](#) which states that meals for one-day out of state trips required for school business purposes are authorized for breakfast, lunch and dinner, respectively, at \$5, \$7, and \$10.

Unless a meal can be reimbursed as part of the overall registration fee, it is unclear how board members should proceed in situations where the conference sponsor does not specifically assign a particular dollar cost to the meal, and is unwilling to do so upon request. It is anticipated that clarification from DOE will be forthcoming on these issues.

Board members may also be reimbursed for mileage and other transportation expenses permitted under the school district's policy and in accordance with State and federal guidelines.

7. Can a board pay for the cost of a board member's attendance at a Middle States Evaluation dinner?

Yes. The Commissioner of Education's March 17, 2008 Travel Regulation Memo states, "Reimbursement may be approved for the cost of an official luncheon or dinner that an employee or board member is authorized to attend (up to \$7 for lunch and \$10 for dinner), where such a meal is scheduled as an integral part of an official proceeding or program related to district business and the employee's responsibilities." The Middle States Evaluation dinner, which traditionally follows the Middle States (high school accreditation program) evaluation, would appear to fit the criteria for an official dinner.

Whether a luncheon or dinner will be considered an "official" luncheon or dinner should be assessed on a case-by-case basis and the board attorney should be consulted. However, it is clearly stated in the Commissioner's Memo that retirement dinners and other employee recognition dinners are not considered to be official meals under this provision and are specifically prohibited. (See question below.)

8. Can a board provide a retirement dinner or a staff recognition dinner, or pay the cost of a board member's attendance at such an event?

No. The Commissioner of Education's March 17, 2008 Travel Regulation Memo states, "The cost of receptions or other social functions held for the sole purpose of honoring any employee or group of employees of the district (retirement, awards, appointment, etc.) are not permitted to be paid with public school funds." The Board may not pay for the dinner, nor may it pay for the transportation or other expenses of a board or staff member who attends such a dinner.

9. Can a board pay the cost of attendance at a dinner honoring several legislators?

Probably, as long as it is limited to a light meal not exceeding \$10 per person. A legislator honoree would likely be considered a dignitary. The board could also pay for transportation. The Commissioner of Education's March 17, 2008 Travel Regulation Memo states, "Costs for activities, events or functions for dignitaries and other 'non-district' employees (e.g., parents), including light meals and refreshments, is permitted. The circular specifically states that it is expected that expenditures for this purpose will be minimal and infrequent." NJSBA is seeking clarification in this area, especially with respect to the procedures where the per person cost of a dinner honoring a dignitary exceeds \$10.00.

10. Can a board provide refreshments at Back-to-School Night?

Yes, as the Back-to-School Night is held for the benefit of parents, a board may provide light meals and refreshments.

The Commissioner of Education's March 17, 2008 Travel Regulation Memo states, "Costs for activities, events or functions for dignitaries and other "non-district" employees (e.g., parents), including light meals and refreshments, is permitted. The circular specifically states that it is expected that expenditures for this purpose will be minimal and infrequent."

11. Can a board provide hot dogs to the football team or spectators at the football team?

No. The Commissioner of Education's March 17, 2008 Travel Regulation Memo is specific. A board may not use public funds to pay for any meals or refreshments served to participants or guests at an athletic event or other games or contests.

12. Can a board reimburse a board member for attending the class play in his or her official capacity?

Yes. The Commissioner of Education's March 17, 2008 Travel Regulation Memo states, "All reasonable costs for activities, events or functions provided or held for the benefit of students are permitted." The board can pay for tickets and transportation.

13. Can a board reimburse a board member for attending the high school graduation ceremony in his or her official capacity?

Yes, the district may pay for the board member's transportation and tickets. The Commissioner's March 17, 2008 Travel Regulation Memo states, "All reasonable costs of commencement and convocation activities for students are permitted." However, the board member may not be reimbursed for a meal before or after the ceremony, as the general rule is that there is no reimbursement for meals for in-state travel.

14. Can a board provide meals at its board retreat?

Yes, but only under certain circumstances.

If the retreat is an overnight retreat, in most cases no reimbursement is permitted for meals, lodging, transportation, etc. There may be some limited exceptions, such as where a waiver is granted under future regulations to be adopted by the Department of Education, effective September 1. Also, because the prohibition against reimbursement for meals and lodging for overnight travel is limited to travel within the State, expenses for a retreat held in another State would seem to be reimburseable within the federal per diem guidelines. However, it may be difficult for a district to maintain that holding the retreat in another State is "fiscally prudent" and in compliance with Sunshine Law requirements, unless the out-of-state facility is the only facility in reasonable proximity to the district, and the district site is not available.

For a one-day retreat, if the retreat is held outside of the district (which is only permitted if there is no district site available; the March 17, 2008 Travel Regulation Memo states, “(a)lso, per the statute, board retreats are to be held onsite unless there is no district site available.”) and if board members must remain on-site through lunch and there is no other lunch option at the location of the retreat, then lunch may be provided by the board, not to exceed a cost of \$7 per person. The board may also provide refreshments at breaks. Specifically, the Commissioner’s Memo states, “Lunch for training sessions and retreats may be authorized for an amount up to \$7 per person only when it is necessary that employees or board members remain at a site other than their school district. Refreshments for breaks may be provided. . . .this is only allowed if the training is not in the school district and there are no viable options for lunch at the off-site location.”

TRAVEL BY BOARD EMPLOYEES

1. Can a board reimburse staff for attending a County Roundtable?

The Commissioner of Education’s March 17, 2008 Travel Regulation Memo indicates that regularly scheduled county meetings are considered to be regular business travel. There is no reimbursement for meals for in state travel. The Commissioner’s March 17, 2008 Travel Regulation Memo indicates that regularly scheduled county meetings are considered to be regular business travel. There does not appear to be any exception set forth in the Memo that would permit reimbursement for meals for an in-state county meeting.

2. Can a board reimburse staff for attending a board meeting?

Yes, the board may provide a light meal (not to exceed \$10 for dinner) if the staff member is required to attend after the school day and doesn’t have the opportunity to have a meal before the meeting. The Commissioner of Education’s March 17, 2008 Travel Regulation Memo states, “Light meals may be served to employees who are required to attend the board meeting and where the employee is required to remain at the district to prepare for the meeting.”

3. Can a board reimburse staff for attending a PTA meeting?

Yes. The March 17, 2008 Travel Regulation Memo appears to permit reimbursement insofar as it states, “All reasonable costs for activities, events, or functions provided or held for the benefit of students are permitted” recognizing that parent-teacher activities are held for the benefit of students.

4. Can a board reimburse staff for accompanying students on a field trip?

Yes. The March 17, 2008 Travel Regulation Memo states, “All costs of student field trips that are part of the instructional program are permitted.”

5. Can a board reimburse staff for attending Back-to-School Night?

Yes. The March 17, 2008 Travel Regulation Memo appears to permit reimbursement insofar as it states, “All reasonable costs for activities, events, or functions provided or held for the benefit of students are permitted” recognizing that Back-to-School Night is held for the benefit of students.

6. Can a board reimburse staff for training at an Inservice Program?

Yes, under certain conditions. If training takes place in a location other than the school district, and the staff is required to remain at the site, the board may provide a lunch costing up to \$7 per person, assuming there is no other option for lunch. Otherwise, staff members attending an inservice program must pay for their own lunch. The Commissioner’s March 17, 2008 Travel Regulation Memo specifically states, “Lunch for training sessions and retreats may be authorized for an amount up to \$7 per person only when it is necessary that employees or board members remain at a site other than their school district. Refreshments for breaks may be provided. ...this is only allowed if the training is not in the school district and there are no viable options for lunch at the off-site location. Therefore, providing lunch for in-service days or for staff that come from other parts of the district is not permitted.”

Although there is no explicit authority to provide dinner, it is reasonable to infer that a reimbursement of \$10 per person for dinner would be authorized under the same conditions, where the training takes place in the evening. It is logical to infer that this amount would be reimbursable for training because it is the same amount approved for reimbursement in the Commissioner’s memo for one-day out of state trips for school business purposes. NJSBA is seeking confirmation of this interpretation from the Commissioner.

Staff may also be reimbursed for mileage and other transportation expenses permitted under the school district’s policy and in accordance with State and federal guidelines

The Commissioner’s March 17, 2008 Travel Regulation Memo also states that the board may not reimburse staff “for training to maintain a certificate that is not required as a condition of employment.” NJSBA is seeking further explanation of this limitation.

7. Can a board provide meals at staff meetings?

No. The Commissioner’s March 17, 2008 Travel Regulation Memo states that “Under ordinary circumstances such as staff meetings, no meal expenses are allowed at the school district or within a radius of ten miles from the school district.”