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March 17, 2008

TO: All Board Presidents
All Chief School Administrators
All School Business Administrators

FROM: Lucile E. Davy 
Commissioner

SUBJECT: Travel Regulations

Last spring the legislature passed the School District Accountability Act (A5 or Chapter Law 53). This act includes several new provisions including the requirement that school district employees and board of education members follow the travel and meal regulations promulgated by the New Jersey Office of Management and Budget (Circular nos. 08-13-OMB and 06-14-OMB). The OMB regulations are written for state employees and agencies. As a result, questions have been raised regarding the interpretation and application of many of the provisions to school districts. Complicating the new requirements was OMB's recent revision to the travel regulations effective November 21, 2007 which contained more stringent requirements for in-state travel events.

I am writing to provide guidance on the recent OMB revisions under the new travel circular as well as provide a summary of the general requirements pursuant to the new law (N.J.S.A.18A:11-12). The significant changes in the travel circular are as follows:

1. There is no reimbursement of lodging and meal costs for overnight travel within the state; and
2. There is no reimbursement of meals for in-state travel.

To address concerns raised by school officials and education associations, the circular has been reissued to authorize 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. The department is in the process of writing regulations that will contain the procedures for submitting a request for waiver. These will be part of the travel regulations soon to be issued with the regulations for A4 and A5.

Pending issuance of the regulations, however, 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. Regulations to be issued will be effective by September 1, 2008. Therefore, all conferences after September 1, 2008 will require waivers. Under the law, reimbursement for all overnight travel in-state is no longer permitted except for conferences as noted above.

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Pursuant to N.J.S.A.18A:11-12(o), reimbursement for overnight travel out-of-state or in-state for conferences as permitted above, 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 federal per diem rates. If the hotel at the site of the convention is no longer available, lodging may be paid for similar accommodations at a rate not to exceed the hotel rate for the current event. If there is no hotel at the site of the convention (e.g. the Atlantic City Convention Center), then lodging may not exceed the federal per diem rate.

The following is a summary of the general requirements of the NJOMB circulars that must be followed pursuant to N.J.S.A.18A:11-12:

- Reimbursement for lodging and meals cannot exceed applicable federal per diem rates by location. These rates may be found at www.gsa.gov
- Registration and conference fees are not subject to the federal per diem rate cap.
- 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.
- Board meetings are limited to light meals and refreshments for board members not to exceed \$10 per person. 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.
- 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. We confirmed with OMB that 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. Also, per the statute, board retreats are to be held onsite unless there is no district site available.
- Reimbursement for training to maintain a certification that is not required as a condition of employment is not authorized. The circular provides an example: a CPA will not be reimbursed for attending a training class specifically to obtain CPE credits if that employee is not required to be a CPA for continued district employment.
- 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. Retirement dinners and other employee recognition dinners would not be considered an official luncheon or dinner under this provision and are specifically prohibited in another section of the circular.
- Meals during one-day, out-of-state trips required for school business purposes may be authorized for breakfast, lunch and/or dinner at a cost not to exceed:

Breakfast	\$ 5
Lunch	\$ 7
Dinner	\$10

- All reasonable costs of commencement and convocation activities for students are permitted.
- All costs of student field trips that are part of the instructional program are permitted.

- All reasonable costs for activities, events or functions provided or held for the benefit of students are permitted.
- 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.
- 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, appointments, etc.) are not permitted to be paid with public school funds.
- The cost of meals or refreshments served to participants or guests at any athletic event or other games or contests are not permitted to be paid with public school funds.
- Charges for alcoholic beverages, laundry, valet services, entertainment, reverse telephone charges, third party calls, or personal calls are not permitted to be paid with public school funds.
- All costs and reimbursements must be properly itemized and documented in detail.

The OMB Circular does recognize that employees traveling on district business may not be able to obtain prior approval of the board of education sufficiently in advance of the departure date. In those instances, justification of the emergency must be included with the requisition and prior approval of the superintendent must be obtained. Travel to conferences, conventions and symposiums are not considered to be emergencies and must receive prior board approval.

Lastly, let me remind you that under the statute, a board of education may include in its board policy an amount per employee for regular business travel that does not require prior board approval. The circular includes attendance at meetings in its definition of regular business travel and therefore, the board could include in its definition of regular business travel attendance at regularly scheduled county meetings and department sponsored or association sponsored events provided free of charge.

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c: Members, State Board of Education
Senior Staff
Office Directors
County Superintendents
County School Business Administrators
LEE Group
Garden State Coalition
State Monitors