



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

December 27, 2016

John Copenhaver
Executive Director
Technical Assistance for Excellence in Special Education
1780 N Research Parkway, Suite 112
Logan, Utah 84341

Dear Mr. Copenhaver:

This letter responds to your May 13, 2016 electronic mail (email) correspondence to Ms. Lisa Pagano in the Office of Special Education Programs (OSEP). In that email, you ask if the parent of a child with a disability may serve on the State Advisory Panel (SAP) if he or she resides in another State. You also asked whether the State would be responsible for paying for the parent's transportation costs if he or she served on the SAP.

Under the Individuals with Disabilities Education Act (IDEA), the State must establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State. 34 CFR §300.167. Under 34 CFR §300.168(a), membership of the advisory panel must consist of members appointed by the Governor, or any other official authorized under law to make such appointments, to include parents of children with disabilities (ages birth through 26). The IDEA and its implementing regulations do not address whether a parent must reside in the State in which they serve on a SAP. Thus, the State where the child resides could choose to appoint the child's parent to its SAP, even if the child's parent resides in another State.

Your second question asks if the State is obligated to reimburse travel costs for such a parent to attend meetings of the SAP. Consistent with 34 CFR §300.704, the State educational agency (SEA) may use part of its IDEA Part B grant to fund State-level activities which could include reimbursement for the travel costs of SAP members. The SAP travel expenditures must meet the test of being allowable (necessary), reasonable, and allocable to the grant as required by the *Office of Management and Budget (OMB) Uniform Guidance*.¹

We recognize that SEAs may use conferencing technology resources to facilitate the participation of SAP members who, for a variety of reasons, may be unable to attend meetings in-person. It is important to note that in these situations, the SEA should implement measures to ensure members participating remotely have an opportunity to participate in the meeting and to comment on any matters before the SAP.

¹ These requirements are discussed in 2 CFR §200, Subpart E – Cost Principles. The *OMB Uniform Guidance* may be accessed at: http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl.

Based on section 607(e) of the IDEA, we are informing you that our response is provided as informal guidance and is not legally binding, but represents an interpretation of the IDEA by the U.S. Department of Education in the context of the specific facts presented.

If you have any further questions, please do not hesitate to contact Ken Kienas of my staff at 202-245-7621, or by email at Ken.Kienas@ed.gov.

Sincerely,

/s/

Ruth E. Ryder
Acting Director
Office of Special Education Programs