

Enclosure B

South Carolina IDEA Part C FFY 2012 Special Conditions

1. Basis for Requiring Special Conditions

Pursuant to IDEA sections 616(g) and 642 and 34 CFR §80.12, the Office of Special Education Programs (OSEP) is designating South Carolina as a “high risk” grantee and imposing Special Conditions on South Carolina’s Federal Fiscal Year (FFY) 2012 grant award under Part C of the Individuals with Disabilities Education Act (IDEA Part C). These Special Conditions are to ensure that South Carolina First Steps (First Steps), the State’s lead agency under IDEA Part C, timely corrects findings of noncompliance with IDEA Part C requirements as soon as possible, but not later than one year from identification, as required by IDEA section 635(a)(10)(A) and 34 CFR §303.700(e) and verifies timely correction of noncompliance, consistent with OSEP Memorandum 09-02 (OSEP Memo 09-02), dated October 17, 2008.

The timely correction requirement was the basis of South Carolina’s 2003 Compliance Agreement and the subject of Special Conditions on South Carolina’s FFYs 2008, 2009, 2010, and 2011 Part C grant awards. Under its FFY 2011 Special Conditions, South Carolina submitted three progress reports due October 15, 2011, February 1, 2012, and May 7, 2012. The State timely submitted those reports.

In its FFY 2010 APR, the State provided no FFY 2010 data under Indicator 9, which requires the reporting of timely correction in FFY 2010 of findings identified by the State in FFY 2009. The State did not make findings of noncompliance in FFY 2009, although the State-reported compliance data indicated noncompliance. The State reported that it issued findings of noncompliance in FFY 2011 (October 2011), based on FFY 2010 data.

For these reasons, and to ensure that South Carolina timely corrects noncompliance with IDEA Part C requirements, OSEP is imposing these Special Conditions on South Carolina’s FFY 2012 IDEA Part C grant award.

2. Nature of the Special Conditions

Pursuant to these Special Conditions, First Steps must provide data to OSEP demonstrating that the State timely corrects noncompliance as soon as possible but in no case later than one year from identification, as required by IDEA section 635(a)(10)(A) and 34 CFR §303.700(e), and verifies that timely correction, consistent with OSEP Memo 09-02. The data must be submitted as follows:

- a) In the first Progress Report due September 1, 2012, First Steps must provide correction data (through August 15, 2012) for all of the findings identified by the State in FFY 2011 (October, 2011), based on its FFY 2010 data. The State must report for each of these findings reported as corrected that it verified that each EIS program is correctly implementing the specific regulatory requirements based on a review of updated data such as data subsequently collected through on-site monitoring or a State data system. Further, the State must report for each of these findings reported as corrected that each EIS program has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the EIS program.

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- b) In the second Progress Report, due by February 1, 2013 with its FFY 2011 APR, First Steps must provide updated correction data (through December 31, 2012) for all outstanding findings identified by the State in FFY 2011 (October, 2011), based on its FFY 2010 data, including the verification of correction information listed in (a) above.

3. Evidence Necessary for Conditions to Be Removed

The Department will remove the Special Conditions if, at any time prior to the expiration of the grant year, South Carolina provides documentation, satisfactory to the Department, that it has fully met the requirements and conditions set forth above, which require South Carolina to submit data and information demonstrating: timely correction of findings of noncompliance with IDEA Part C requirements as soon as possible, but not later than one year from identification, as required by IDEA section 635(a)(10)(A) and 34 CFR §303.700(e) and (2) verification of timely correction of noncompliance, consistently with OSEP Memo 09-02.

4. Method of Requesting Reconsideration

The State can write to OSEP's Director, Melody Musgrove, Ed.D. at the address below, if it wishes the Department to reconsider any aspect of these Special Conditions. The request must describe in detail the changes to the Special Conditions sought by the State and the reasons for those requested changes.

5. Submission of Reports

All reports that are required to be submitted by South Carolina to the Department under the Special Conditions must be submitted to:

U.S. Department of Education
Office of Special Education and Rehabilitative Services
Attn.: Brenda Wilkins
400 Maryland Ave., S.W.
Washington, D.C. 20202-2550
By email: Brenda.Wilkins@ed.gov