



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

JUL - 1 2012

Honorable Dan Wuori, Ph.D.
Chief Program Officer
South Carolina First Steps to School Readiness
1300 Sumter Street
Concord Building, Suite 100
Columbia, South Carolina 29201-3340

Dear Dr. Wuori:

We have conditionally approved South Carolina's application for Federal Fiscal Year (FFY) 2012 funds under Part C of the Individuals with Disabilities Education Act (IDEA Part C). The effective date of the grant is July 1, 2012. Our conditional approval is based on our review of the application, submitted by South Carolina First Steps to School Readiness (First Steps) to the U.S. Department of Education, Office of Special Education Programs (OSEP), on April 17, 2012 and July 2, 2012.

Our conditional approval of the State's FFY 2012 IDEA Part C grant is also based on the State's representations identified in Section II, which is incorporated by reference to this grant award letter as Enclosure A. Our approval is also based on the State's certification under Section II.D of its FFY 2012 application that the State will:

1. Operate throughout the period of the FFY 2012 grant award consistently with the requirements of the IDEA as found in 20 U.S.C. 1431 through 1443 and the final regulations in 34 CFR Part 303 (as published on September 28, 2011); and
2. Make such changes to existing policies, procedures, methods, and descriptions as are necessary to bring those policies, procedures, methods and descriptions into compliance with the requirements of IDEA Part C, as soon as possible, and not later than the earlier of the date indicated by the State in Section II of its application or June 30, 2013. *See*, 34 CFR §76.104.

OSEP's conditional approval is also based on the State's resolution of the State's July 1, 2011 specific assurance, as noted in OSEP's June 26, 2012 memo.

On June 8, 2012, the State submitted its response to OSEP's March 9, 2012 Continuous Improvement Visit letter. OSEP will respond to that submission under separate cover.

In its FFY 2012 IDEA Part C grant application, the State requested to charge rent as a direct cost under Section IV.B of the application. With its revised application submitted on June 29, 2012, the State included information regarding its request to charge rent for office space and for the use of a conference room. We are approving the State's request for rent for office space based on the State's June 29, 2012 explanation that such costs are consistent with the IDEA Part C nonsupplanting requirements in IDEA section 637(b)(5)(b) and 34 CFR §303.225. However, we are not approving the State's request to charge rent for the use of a conference room.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

South Carolina's IDEA Part C FFY 2012 grant award is being released subject to Special Conditions to ensure 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 timely correction of the noncompliance. The Special Conditions are set forth in Enclosure B, which is incorporated by this reference into this grant award letter. The special conditions are imposed pursuant to the Department's authority in IDEA sections 616(g) and 642 and 34 CFR §80.12. Acceptance by South Carolina of this grant award constitutes an agreement by the State to comply with the enclosed Special Conditions, which require progress reports on September 1, 2012, and February 1, 2013 with the State's FFY 2011 Annual Performance Report.

As part of your State's application for FFY 2012, your State has made an assurance, under Section II.C.2 of its FFY 2012 application and pursuant to 34 CFR §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect during the FFY 2012 grant period.

Before adopting a new or revised IDEA Part C policy or procedure that is required under Part C of the IDEA or the final regulations in 34 CFR Part 303, the State must subject those policies and procedures to the public participation requirements in 34 CFR §303.208 and receive OSEP approval for those policies and procedures referenced in 34 CFR §303.101(c) prior to their implementation.

Enclosed is the State's FFY 2012 grant award for funds currently available under the Consolidated Appropriations Act, 2012 -- P.L. 112-74 for the IDEA Part C program. These funds are available for obligation by States from July 1, 2012 through September 30, 2014 in accordance with 34 CFR §76.709.

Section IV.B of the State FFY 2012 application for Part C funds requested updated information about each State's indirect costs. Your State indicated in Section IV.B that First Steps is not charging and will not charge indirect costs to its IDEA Part C FFY 2012 grant. By accepting this IDEA Part C FFY 2012 grant, your agency (as the lead agency designated under Part C) is agreeing not to charge indirect costs to any funds awarded under this FFY 2012 Part C grant.

Section 604 of the IDEA provides that "[a] State shall not be immune under the 11th amendment to the Constitution of the United States from suit in Federal court for a violation of this [Act]." Section 606 provides that each recipient of assistance under IDEA make positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under the IDEA. Therefore, by accepting this grant, your State is expressly agreeing as a condition of IDEA funding to a waiver of Eleventh Amendment immunity and to ensuring that positive efforts are made to employ and advance employment of qualified individuals with disabilities in programs assisted under the IDEA.

The enclosed grant award of FFY 2012 funds is made with the continued understanding that this Office may, from time to time, require clarification of information within your application, if necessary. These inquiries may be necessary to allow us to appropriately carry out our administrative responsibilities related to IDEA Part C.

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As a reminder, no later than August 31, 2012, all prime recipients of IDEA (Part B or Part C) funds, must report subaward information as required by the Federal Funding Accountability and Transparency Act of 2006 (FFATA), as amended in 2008. FFATA guidance is found at <http://www2.ed.gov/policy/gen/leg/recovery/rms-web-conferences.html>. Please contact your State's Recovery Act Facilitator if you have further questions.

We appreciate your ongoing commitment to the provision of quality early intervention services to infants and toddlers with disabilities and their families.

Sincerely,

A handwritten signature in black ink that reads "Melody Musgrove" with a stylized flourish at the end.

Melody Musgrove, Ed.D.

Director

Office of Special Education Programs

Enclosures

Enclosure A

Enclosure B

cc: Part C Coordinator