

Enclosure B

South Carolina IDEA Part C FFY 2013 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) 2013 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 §§303.120 and 303.700(e).

The timely correction requirement was the subject of Special Conditions on South Carolina’s FFYs 2008, 2009, 2010, 2011, and 2012 Part C grant awards. Under the FFY 2012 Special Conditions, First Steps was required to submit updated data on findings issued in FFY 2011 based on FFY 2010 data under Indicator 9. South Carolina was required to submit updated correction data in two progress reports due September 1, 2012, and February 1, 2013, for all findings identified by the State in FFY 2011 (October, 2011), based on its FFY 2010 data. First Steps did not submit a progress report on September 1, 2012, but provided information in February 2013, in its FFY 2011 APR, reflecting 53% timely correction of findings identified in FFY 2011 based on FFY 2010 data.

As stated in the July 1, 2013 letter to the State, the State’s lack of monitoring and timely correction data was also a factor in the U.S. Department of Education’s determination that, under IDEA sections 616(d)(2)(A)(iii) and 642, South Carolina needs intervention in implementing the requirements of Part C of the IDEA. Because the State received a determination of needs intervention for three consecutive years, the July 2013 determination letter required South Carolina to submit a corrective action plan (CAP) and to utilize available sources of technical assistance.

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 2013 IDEA Part C grant award.

2. Nature of the Special Conditions

Consistent with the July 2013 determination letter, and pursuant to these Special Conditions, South Carolina must submit a CAP by August 15, 2013 that ensures that it will submit, with its FFY 2012 IDEA Part C APR, due February 1, 2014, valid and reliable FFY 2012 data for Indicator 9 (regarding the timely correction of findings of noncompliance identified in FFY 2011). The CAP must include the specific actions it will take to ensure that it will submit, with the State's FFY 2012 APR, valid and reliable FFY 2012 data for Indicator 9, and the timelines for those actions.

By August 15, 2013, the State must submit a CAP that sets forth:

- (1) the specific steps that the State will take to ensure that it will be able to provide in its FFY 2012 APR, due February 1, 2014, FFY 2012 data for

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Indicator 9 that is valid and reliable and reflects compliance with the timely correction requirements in 34 CFR §§303.120 and 303.700(e).

- (2) the specific timelines for completing each of the steps identified in (1); and
- (3) that the State will provide OSEP with a report by October 31, 2013 regarding the State's progress in implementing each of those steps according to the specified timelines.

The CAP must reference how the State is utilizing available technical assistance sources. A list of sources of technical assistance related to the SPP/APR indicators is available by clicking on the "Technical Assistance Related to Determinations" box on the opening page of "The Right IDEA" Web site at:

<http://therightidea.tadnet.org/technicalassistance>. You will be directed to a list of indicators. Click on Indicator 9 for a list of centers, documents, Web seminars and other sources of relevant technical assistance for those respective indicators.

In its FFY 2012 APR, due February 1, 2014, in addition to providing valid and reliable FFY 2012 data for Indicator 9 (regarding the timely correction of findings of noncompliance identified in FFY 2011), the State must provide updated data on findings of noncompliance identified by the State in FFY 2012 and FFY 2013, and the status of correction of those findings.

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 §§303.120 and 303.700(e).

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