



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

July 22, 2013

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) 2013 funds under Part C of the Individuals with Disabilities Education Act (IDEA Part C). The effective date of the State's IDEA Part C grant award is July 18, 2013. Our conditional approval is based on our review of the IDEA Part C 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 24, 2013, July 1, 2013, July 3, 2013, July 5, 2013, and July 18, 2013.

Our conditional approval of the State's FFY 2013 IDEA Part C grant is also based on the State's policies, procedures, methods, descriptions, assurances, and certifications identified in Sections II.A, II.B, and II.C, incorporated by reference to this grant award letter as Enclosure A. Our approval is also based on the State's certification in Section II.D of its FFY 2013 IDEA Part C application, in which section the State certifies under 34 CFR §76.104 that it will:

1. Operate throughout the period of the FFY 2013 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.A or II.B of its application or June 30, 2014.

OSEP's conditional approval of the State's FFY 2013 application is also based on our approval of the State's request to charge rent for office space as a direct cost under Section IV.B of the FFY 2013 application, based on the information provided by the State in the April 22, 2013 memo from the State to OSEP, and the 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.

OSEP's conditional approval of the State's FFY 2013 IDEA Part C application is also based on our approval of the policies, procedures, and descriptions submitted by the State under Sections II.A.2 (Early Intervention Services), 4 (Developmental Delay), 7 (CAPTA), 8 (Geographic Equity), 9 (Public Participation), 10 (Transition policies) and 12 (Equitable Access and Participation) of the application, which were referenced in OSEP's July 2, 2013 memo to the State.

South Carolina's IDEA Part C FFY 2013 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 §§303.120 and 303.700(e). 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 the State to submit: (1) by August 15, 2013, a corrective action plan (CAP), (2) by October 31, 2013, a progress report regarding the State's progress in implementing the steps in the CAP, and (3) with the FFY 2012 APR, due February 1, 2014, the data requested in the enclosed Special Conditions.

As part of South Carolina's application for FFY 2013, your State has made an assurance, under Section II.C.2 of its FFY 2013 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 2013 grant period.

Before adopting a new or revised IDEA Part C policy or procedure that is required under Part C of the IDEA or under 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, for those policies and procedures specifically referenced in 34 CFR §303.101(c), receive OSEP approval prior to their implementation.

Enclosed is the State's FFY 2013 grant award for funds currently available under the Consolidated and Further Continuing Appropriations Act, 2013 -- P.L. 113-6 for the IDEA Part C program. These funds are available for obligation by States from the effective date of the grant award through September 30, 2015 in accordance with 34 CFR §76.709.

Section IV.B of the State FFY 2013 application for Part C funds requested updated information about each State's indirect costs. South Carolina indicated in Section IV.B that First Steps is not charging and will not charge indirect costs to its IDEA Part C FFY 2013 grant. By accepting this IDEA Part C FFY 2013 grant, First Steps (as the lead agency designated under Part C) is agreeing not to charge indirect costs to any funds awarded under this FFY 2013 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 2013 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.

As a reminder, 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. First-tier subaward information must be reported by the end of the following month from when the award was made or obligated. FFATA guidance is found at <http://www2.ed.gov/policy/gen/leg/recovery/rms-web-conferences.html>. Please contact your State's Fiscal Accountability 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 cursive script that reads "Melody Musgrove Ed.D." with a small flourish at the end.

Melody Musgrove, Ed.D
Director
Office of Special Education Programs

Enclosures

Enclosure A
Enclosure B

cc: Part C Coordinator